

PROCEEDINGS OF THE BROWN COUNTY BOARD OF SUPERVISORS
OCTOBER 16, 2002

Pursuant to Section 19.84 and 59.14, Wis. Stats., notice is hereby given to the public that the REGULAR meeting of the **BROWN COUNTY BOARD OF SUPERVISORS** was held on **Wednesday, October 16, 2002, at 7:00 p.m.**, at UW-Extension, 1150 Bellevue Street, Green Bay, Wisconsin.

The following matters will be considered:

Call to order.

Invocation.

Pledge of Allegiance to the Flag.

Opening Roll Call:

Present: Antonneau, Nicholson, Miller, Hansen, Zima, Vander Leest, Vanden Plas,
 Collins, Daul, Fleck, Moynihan, Schadewald, Lund, Graves, Schmitt, Haefs,
 Kaye, Evans, Johnson, Kuehn, Marquardt, Van Deurzen, Clancy, Watermolen,
 Simons, Fewell

Total Present: 26

No. 1 -- Adoption of agenda.

A motion was made by Supervisor Moynihan and seconded by Supervisor Kaye to approve the agenda as modified with the modification including a Commendation for Eric Salo for televising the County Board meetings from November 1999 thru October 2002. Vote taken. Motion carried unanimously with no abstentions.

No. 2 -- Approval of minutes of County Board Meeting of September 18, 2002.

A motion was made by Supervisor Schmitt and seconded by Supervisor Fleck to approve. Vote taken. Motion carried unanimously with no abstentions.

No. 3 -- Announcements by Supervisors. None.

No. 4 -- Communications. None.

No. 5 -- Late Communications.

No. 5a -- From Supervisor Zima requesting that Brown County change its ordinances to require that all actions of the Solid Waste Board be reported to the Brown County Board for final approval.

Refer to Executive Committee and Planning, Development and Transportation Committee.

No. 5b -- From Supervisor Thomas Lund regarding: that the Brown County Board support the NEW Zoo, because it provides one of the most unique features of our county. It would be a shame to cut this important resource that the community has worked so hard to build.

Refer to Education and Recreation Committee.

No. 6 -- Appointments. None.

No. 7a -- Report by County Executive.

Nancy explained procedure of her Budget Process for her 2003 Budget. She began by saying this was a painful budget, having to cut 4.6 million dollars from departmental requests. This budget is a 3.4% increase on equalized tax rate; representing a 5% increase in spending, leaving us \$475,000 below our levy caps. The W-2 Program, in the past, has not cost Brown County any dollars. However, next year we will be forced to spend \$430,000, plus, because the State has shifted the cost to us. She also projected a loss in interest earnings of \$475,000 less than last year.

Included in this budget is an initiative to include a cooperative agreement with Brown County maintenance repair facility with City of Green Bay. This agreement will provide more hours of service and hopefully, realize some savings.

Nancy explained the NEW Zoo budget issue; that reflecting a balanced budget meant an increase in fees.

Additionally, six new positions have been added to the Health Department through Bio-terrorism Federal Grant money. Brown County was selected because it's the most logical regional provider.

Budget reflects over 20 positions overall.

Performance measures in 2003 budget are new. She explained this is our way of measuring and telling the public how well departments are doing their jobs.

Nancy spoke on the Mental Health Center stating, that the uncertainty of Brown County's role, has made it difficult to hire new employees at the Mental Health Center.

She spoke on several questions presented to her by Supervisor Kathy Johnson regarding the Transfer Solid Waste Station. Those answers to her questions were provided to each of you tonight.

An update on the Brown County Golf Course Club House, was given, adding that the new club house is being paid for with user fees. We have gone out on RFPs for the new facility.

No. 7b -- Report by Board Chairman. No report.

No. 8 -- Other Reports.

No. 8a -- TREASURER'S FINANCIAL REPORT FOR JULY 2002

BROWN COUNTY TREASURER'S FINANCIAL REPORT FOR THE MONTH OF JULY

Following is a statement of the County Treasurer of the Cash on Hand and in the General Account of the Brown County Treasurer as of JULY 31, 2002:

Associated Bank	\$ 27,474,872.53
Wisconsin Development Fund	00.00
Sweep Account (Repurchase Agreements)	00.00
Deposits in Transit	2,329,375.71
Emergency Fund	(80,200.48)
Non-sufficient Fund Checks Redeposited	4,411.67
PBA Sweep Account	(132,660.03)
Deposit Adjustment	00.00
Bank Error (s)	00.00
Total	<u>29,595,799.40</u>
Less Outstanding Checks	(729,040.88)
Other Reconcilable Items	\$ 28,866,758.52
Balance Per Cash Book	\$ 28,866,758.52

Following is a statement of the County Treasurer of the Working Capital reserves placed in time deposits in the designated public depositories within Brown County for the purpose of investments as of JULY 31, 2002:

Year-to-Date Interest Received – Prior Month	\$ 1,973,922.14
Interest Received – Current Month	<u>282,431.57</u>
Year-to-Date Interest Received on unrestricted funds	\$ 127,793,760.26

I, Kerry M. Blaney, Brown County Treasurer, do hereby certify that the above statement of Cash on Hand and in the General Account as of JULY 31, 2002 and the statement of investments for the month of July have been compared and examined, and found to be correct.

\s\ Kerry M. Blaney
County Treasurer

A motion was made by Supervisor Watermolen and seconded by Supervisor Clancy to approve. Vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive Date: 10/28/2002

No. 9 -- Standing Committee Reports:

No. 9a -- REPORT OF ADMINISTRATION COMMITTEE OF OCTOBER 3, 2002

TO THE MEMBERS OF THE BROWN COUNTY
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The ADMINISTRATION COMMITTEE met in regular session on October 3, 2002, and recommends the following motions:

1. Approve/modify agenda.
 - a. Adjourn this meeting until next week so some members of this committee could attend the Planning, Development and Transportation Committee meeting. Ayes: 2 (Graves, Miller); Nays: 3 (Hansen, Schadewald, Marquardt). Motion defeated.
 - b. Approve the modified agenda. Unanimous.
2. Review minutes of:
 - a. Facilities Master Plan Committee (9/12/02). Receive and place on file.
3. Set date and time of Administration Committee meeting to review regular scheduled items and budget items. (Suggest tentative dates October 21, 2002 or October 31, 2002, at 5:30 p.m.) This meeting will be in place of the regularly scheduled Administration Committee meeting for the first Thursday of the month November 7, 2002. (Date Chosen: Thursday, October 31, 2002 at 5:30 p.m., Room 200 of the Northern Building.)
4. Request for Budget Transfer: Change in any item within Outlay account which requires the transfer of funds from any other major budget category or the transfer of Outlay funds to any other major budget category: Request to transfer \$3,200 from equipment repair to outlay to purchase mower and tractor. (Referred from Education and Recreation Committee.) Receive and place on file.
5. Resolution regarding: Transferring Funds to the Literacy Council of Brown County. (Referred back to Committee from September County Board.)
 - a. Change Resolution to read: "Now, Therefore Be It Resolved by the Brown County Board of Supervisors that it hereby approves the transfer of \$10,000 from the General Fund to the Literacy Council of Brown County for the purpose of purchasing materials to be used in their English program."
 - b. Approve Resolution as stated. Ayes: 3 (Marquardt, Hansen, Schadewald); Nays: 0; Abstain: 2 (Graves, Miller). Motion Carried.

See Resolutions, Ordinances October County Board.
6. Recommendation of County Executive Salary for next session according to Brown County Code, Chapter 2.06(7). (Referred back to Administration Committee from Executive Committee.) Set the pay at \$75,650 for the first year with pay increases in the second, third, and fourth years based on the CPI Urban Midwest.
7. Invoice from City of Green Bay regarding: Billing for County's portion of city/county council chambers renovations. (Held from previous meeting.) Receive and place on file.
8. E-mail communication from Supervisor Robert Miller regarding: The firm hired as auditor for Brown County shall not perform any additional consulting or business advisory services for the county or affiliated entities. (Motion from last meeting: "*Hold for further information.*") Receive and place on file.
9. Human Resources – Human Resources Monthly Committee Report (September 2002). Receive and place on file.
10. Corporation Counsel – Resolution regarding: Disallowance of Claim (Judith Ahrens). Approve disallowance. See Resolutions, Ordinances October County Board.
11. Treasurer's Financial Report for the month of July 2002. Receive and place on file.
12. Treasurer – Write Off of Uncashed Outstanding Checks. No action.
13. Clerk – Communication regarding: Update on Elections. (Deleted from agenda.)

14. Facilities Management – Response to Supervisor Miller’s request on jail work orders. No action.
15. Department of Administration – Monthly Activities Report (August 26 through September 20, 2002). Receive and place on file.
16. Department of Administration – 2002 Budget Transfer Log. Receive and place on file.
17. Audit of bills. (No questions on bills. Audit of bills is complete.)

A motion was made by Supervisor Schadewald and seconded by Supervisor Watermolen to adopt. Vote taken. Supervisor Haefs voted no on item #6. Remainder of report passed unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive

Date: 10/28/2002

No. 9b -- REPORT OF EDUCATION AND RECREATION COMMITTEE OF SEPTEMBER 26, 2002

TO THE MEMBERS OF THE BROWN COUNTY
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EDUCATION AND RECREATION COMMITTEE met in regular session on September 26, 2002, and recommends the following motions:

1. Review minutes of:
 - a) Library Board (8/16/02). Receive and place on file.
 2. Arena/Expo Centre – Attendance Report (August 2002). Receive and place on file.
 3. Museum – Visitor Count (August 2002). Receive and place on file.
 4. Museum – Director’s report. Receive and place on file.
 5. Library – Second Quarter 2002 Objective Monitoring Report. Receive and place on file.
 6. Library – Director’s report. Receive and place on file.
 7. Golf Course – Communication from Supervisor John Vander Leest regarding: Review of Brown County golf pro’s contract and policies. (Referred from August County Board.) No action.
 8. Golf Course – Approve bid for construction of a new clubhouse at Brown County Golf Course (see attached). Approve. **
- ** AS PER THE COUNTY BOARD ON 10/16/02 THEY VOTED TO “RECEIVE AND PLACE ON FILE ITEM #8.
9. Golf Course – Discussion and approval of golf course closing date for 2002 golfing season. Approve.
 10. Golf Course – Second Quarter 2002 Objective Monitoring Report. Receive and place on file.
 11. Golf Course – Daily Financial and Attendance Report (8/31/02). Receive and place on file.
 12. Golf Course – Superintendent’s report. Receive and place on file.

13. Parks – Approve proposal to increase Zoo admission fees. Hold.
 14. Parks – Communication from Supervisor Jim Schmitt regarding: “Family pricing plan” at NEW Zoo. Hold.
 15. Parks – Discussion and approval of fair association request for funding of the 2003 Brown County Fair. Hold for one month and get a business plan going.
 16. Parks – Request for Budget Transfer: Change in any item within Outlay account which requires the transfer of funds from any other major budget category or the transfer of Outlay funds to another major budget category: Request to transfer \$3,200 from equipment repair to outlay to purchase a mower and tractor. Approve.
 17. Parks – Director’s Report. Receive and place on file.
 18. Parks – Request for a partial waiver of fees for 2002 Lao-Hmong National Festival. Recommend the difference be split, giving them until next year to pay, and let Mike McFarlane work out the details. Ayes: 4 (Antonneau, Vander Leest, Kuehn, Johnson); Nays: 1 (Van Deurzen). Motion Carried. **
- ** AS PER THE COUNTY BOARD ON 10/16/02 THEY VOTED TO OVERRIDE ITEM #18. ITEM #18 WAS DEFEATED BY A VOTE OF AYES: 10; NAYS: 16.
19. Audit of Bills. Pay the bills.
 20. **Closed Session.** Pursuant to Section 19.85(1)(e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business since competitive and bargaining reasons required a closed session.
 - a) Enter into Closed Session.
 - b) Return to regular order of business.
 - c) Negotiate a 65/35 split (with 65% to Brown County) and that the agreement run concurrent with PMI’s agreement for the operation of the Resch Center. And, specifically, that the parking agreement ends on the same date. Unanimous.
 21. **Closed Session.** Pursuant to Section 19.85(1)(e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business since competitive and bargaining reasons required a closed session – deliberating purchase of park property.
 - a) Enter into Closed Session.
 - b) Return to regular order of business.
 - c) No action taken.

A motion was made by Supervisor Johnson and seconded by Supervisor Kuehn to adopt. Supervisor Haefs requested #8 be taken separately and Supervisor Van Deurzen requested that #18 be taken separately. Vote taken. Remainder of report passed unanimously with no abstentions.

Item #8 -- Golf Course – Approve bid for construction of a new clubhouse at Brown County Golf Course. (Approved at committee level).

Supervisor Haefs explained he believes the bids should come back to the entire County Board for approval. Since the County Board cannot vote on this he believes it should be received and placed on file.

A motion was made by Supervisor Haefs and seconded by Supervisor Antonneau to receive item #8 and place it on file. Vote taken. Motion carried unanimously with no abstentions.

Item #18 -- Parks – Request for a partial waiver of fees for 2002 Lao-Hmong National Festival. (recommend the difference be split, giving them until next year to pay, and let Mike McFarlane work out the details was approved at committee level).

A motion was made by Supervisor Van Deurzen to deny the waiving of the fees but his motion did not receive a second.

Park Director, Mike McFarlane explained that he has, in the past, received these requests. He suggested the Education and Recreation Committee address this.

A motion was made by Supervisor Kuehn and seconded by Supervisor Johnson to adopt item #18. Roll Call #9b18(1):

Ayes: Antonneau, Schmitt, Haefs, Hansen, Evans, Vander Leest, Johnson, Kuehn, Schadewald, Fewell

Nays: Graves, Nicholson, Miller, Kaye, Zima, Vanden Plas, Collins, Marquardt, Daul, Van Deurzen, Fleck, Clancy, Moynihan, Watermolen, Simons, Lund

Total Ayes: 10 Total Nays: 16

Motion defeated.

Approved by: \s\ Nancy J. Nusbaum, County Executive Date: 10/28/2002

Attachments to Item #8

TO: Education and Recreation Committee
FROM: Mark P. Keckeisen
DATE: September 25, 2002
RE: Golf Course Clubhouse Bids

Bids on the construction of the Golf Course Clubhouse were opened on Tuesday, September 17, 2002 @ 2:00 p.m.

Results of the Base bid and alternates 2 & 3 are as follows:

Basten Construction	\$1,380,526
Boldt Construction	\$1,248,627
DeCoster Construction	\$1,293,000
George Hougard Construction	\$1,384,629
IEI General Construction	\$1,387,827
Miron Construction	\$1,358,003
PGR Builders	\$1,121,560
Zeise Construction	\$1,271,564

PGR Builders low bid of \$1,121,560 was higher than the construction estimate. To bring the project within budget we have reduced the budget for FF&E, and Contingency. The contractor and his subs were also asked to identify any potential cost reductions in the project. The proposed value engineering reductions amount to \$125,401.

The Administration recommends the acceptance of the low bid of PGR Builders with the proposed value engineering reductions of \$125,402 for a Construction cost of **\$996,158**.

If you have any questions, please do not hesitate to call me @ 448-4055.

Thank You.

\s\ Mark P. Keckeisen

Mark P. Keckeisen, CFM, CPM

BROWN COUNTY CAPITAL PROJECTS
Golf Course Clubhouse Construction Budget
As of September 25, 2002

Revenue

Transfer from Golf Course Enterprise Fund	835,000
Bond Proceeds	<u>400,000</u>

Total Revenue	<u><u>1,235,000</u></u>
----------------------	-------------------------

Expenditures

Planning, Design, and Engineering	
Architect – Sommerville	74,712
Architect – Reimbursables	<u>11,207</u>
Total Planning, Design and Engineering	<u><u>85,919</u></u>

Construction

General Contractor – Base Bid	1,098,120
Add: Alternate 2–Parking Lot Lighting	8,500
Add: Alternate 3–Parking Lot Resurfacing	<u>14,940</u>
Total General Contract Bid Price	1,121,560
Less: Value Engineering Reductions	<u>(125,402)</u>
Revised General Contract Bid Amount	996,158
Owner Purchased – General Contractor	<u>Inc. above</u>

Total Construction	<u><u>996,158</u></u>
--------------------	-----------------------

Equipment

FF&E – Kitchen Equipment	25,000
FF&E – Bar Equipment	25,000
FF&E – Furniture	<u>25,000</u>

Total Equipment	<u><u>75,000</u></u>
-----------------	----------------------

Other

Professional Services	5,000
IS Costs	5,000

Miscellaneous	42,923
Construction Contingency	<u>25,000</u>
Total Other	<u>77,923</u>

Total Expenditures 1,235,000

Project Budget Surplus or (Deficit) 00.00

No. 9c -- REPORT OF EXECUTIVE COMMITTEE OF OCTOBER 7, 2002

TO THE MEMBERS OF THE BROWN COUNTY
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EXECUTIVE COMMITTEE met in regular session on October 7, 2002 and recommends the following motions:

1. Review minutes of:
 - a) Legislative Subcommittee (9/16/02).
Receive and place on file.
2. County Executive report. No action.
3. Legislative Subcommittee report. No action.
4. Internal Auditor Report. No action.
5. Resolution regarding: Appropriately Honoring Those Who Served their Country in the Armed Services. Committee adopted Resolution. See Resolutions, Ordinances October County Board.
6. Ordinance regarding: To Amend Section 3.01 of the Brown County Code Relative to Award of Bid Contracts. (Referred back to Committee from September County Board.)
 - a) Amend Section 3.01 (b) of the Brown County Code and change Administration Committee to Executive Committee.
 - b) Adopt Amendment. Ayes: 6(Daul, Fewell, Kaye, Moynihan, Simons, Antonneau); Nays: 0; Abstain: 1 (Marquardt). Motion Carried.
 - c) Hold for one month for review with the County Executive and staff. Unanimous.
7. Resolution regarding: Changing the Table of Organization at the Brown County Aging Resource Center. (Referred from Human Services Committee.) Committee adopted. See Resolutions, Ordinances October County Board.
8. Ordinance regarding: To Amend Section 3.06(5) of the Brown County Code relative to Sale of Tax Delinquent Real Estate (Held from previous meeting with motion "*Refer to Corporation Counsel for clarification.*") Hold for one month for review and clarification by Corporation Counsel.
9. Resolution regarding: Approving Labor Agreement for 2002-2003 of Brown County to the Brown County Courthouse Employees. Committee adopted. See Resolutions, Ordinances October County Board.

10. Resolution regarding: Establishing an Extended Learning Coordinator Position in the Table of Organization of University Extension. (Referred from Planning, Development and Transportation Committee.) Committee adopted. See Resolutions, Ordinances October County Board.
11. Communication from Eric Salo Video Productions regarding: Ending contract as of October 16, 2002. Receive and place on file.
12. Reclassification Request for Karen Schweda. (Referred from Human Services Committee.) **Resolution** regarding: Authorizing Reclassification of a Clerk Typist II in the Department of Human Services. Committee approved. See Resolutions, Ordinances October County Board.
13. Follow up regarding: Opening Mail in County Board office. Receive and place on file.
14. Communication from Supervisor Patrick Moynihan, Jr., regarding: Classification and Compensation Plan – Alternative Proposal. (Held from previous meeting with motion: *“Hold for one month until cost factors are provided.”*) Receive and place on file.
15. **Closed Session:** For the purpose of deliberating whenever competitive or bargaining reasons require a closed session pursuant to Wisconsin State Statute 19.85 (1)(e). In the alternative, the Executive Committee is meeting for the purpose of collective bargaining and is not subject to the Wisconsin open meetings law pursuant to 19.82 (1) of the Wisconsin State Statutes.
 - a) Enter into closed session.
 - b) Return to regular order of business.
 - c) No action taken.

A motion was made by Supervisor Antonneau and seconded by Supervisor Nicholson to adopt. Vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive

Date: 10/28/2002

No. 9d -- REPORT OF HUMAN SERVICES COMMITTEE OF SEPTEMBER 18, 2002

TO THE MEMBERS OF THE BROWN COUNTY
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The HUMAN SERVICES COMMITTEE met in regular session on September 18, 2002, and recommends the following motions:

1. Review minutes of:
 - a) Community Options Program Appeals Committee (8/26/02).
 - b) Human Services Board (8/1/02).
 - c) Homeless Issues and Affordable Housing Subcommittee (8/20/02).Approve.
2. Health Department – Request for Budget Transfer: Increase in expenditures with offsetting increase in revenue: West-Nile Virus Grant. Approve.

3. Communication from Supervisor Rob Miller regarding: Drafting a resolution that the County of Brown shall privatize the operation of its psychiatric hospital. Receive and place on file. Ayes: 4 (Fleck, Collins, Clancy, Fewell); Nays: 3 (Zima, Miller, Evans). Motion Carried.
4. Communication from Supervisors Miller, Evans, Zima, Vander Leest, Lund, Simons, Nicholson regarding: "Free Our People Initiative" relative to Brown County Mental Health Center. Hold for one month.
5. Communication from Randy Wescott regarding: Requesting \$5,000 to be spent for a qualified organization to help families due to a need created by the closing of the Crossroads organization. Hold this over for next year, unless an emergency arises this year. Ayes: 3 (Collins, Zima, Clancy); Nays: 2 (Fleck, Evans); Abstain: 1 (Miller). Motion Carried.
6. Aging Resource Center – Resolution regarding: Changing the Table of Organization at the Brown County Aging Resource Center. (Referred to Executive Committee.) Committee approved. See Resolutions, Ordinances October County Board.
7. Human Services Department – Director's report. Accept report.
8. Audit of bills. Pay the bills.

A motion was made by Supervisor Fleck and seconded by Supervisor Zima to adopt. Vote taken. Motion carried unanimously with no abstentions.

Approved by: _____ \s\ Nancy J. Nusbaum, County Executive

Date: 10/28/2002

No. 9e -- REPORT OF PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE AND LAND CONSERVATION SUBCOMMITTEE OF SEPTEMBER 12, 2002

TO THE MEMBERS OF THE BROWN COUNTY
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE AND LAND CONSERVATION SUBCOMMITTEE met in regular session on September 12, 2002, and recommends the following motions:

Land Conservation Subcommittee

1. Chapter 26 Variance Request – Elroy Kocian, 8409 Dickinson Road, Reedsville, Wisconsin, Town of Morrison. Manure storage engineering plans and other supporting information will be available at meeting for inspection. Approve.
2. Fall Field Day. Receive and place on file.
3. Grant request for \$50,000 from Wisconsin Coastal Management Program for Conservation Tillage, Nutrient Management Cost – Share for Kewaunee Watershed (in Brown County). Approve.
4. Preliminary Allocation Plan Comment Letter to Wisconsin Department of Agriculture.

- a) Approve the letter to Land and Water Conservation Board with copies to Senators Hansen, Cowles and Lasee.
 - b) Reconsider motion.
 - c) Have staff draft a resolution requesting the State of Wisconsin return unused funds and cost share dollars to staffing.
5. Director's report. No action.

Planning, Development and Transportation Committee

- 1. Review minutes of:
 - a) Planning Commission Board of Directors (8/7/02).
Receive and place on file.
- 2. Resolution regarding: Support for the Preparation of a Regional Master Plan (comprehensive plan) for the Bay-Lake Region. (Referred back to Committee from August County Board.) Insert the word "Brown" on lines 41 and 44 and the appointment of "Bill Clancy – District 20" on line 44. (**Please Note** This was approved at September 18, 2002 County Board meeting.)
- 3. Land Information Office – Appointment of County Supervisor to Land Information Office (LIO) Committee. Appoint Supervisor Alice Daul to the Land Information Office Committee.
- 4. UW-Extension – Request approval to receive \$25,652 from the Green Bay Area Public Schools to implement the 21st Century Learning Center Grant Extended Learning Program. Approve.
- 5. UW-Extension – Director's report. Receive and place on file.
- 6. Port and Solid Waste – Request for easement by Koch Materials Company. **Please Note**. This agenda item went to September 18, 2002 County Board meeting. Grant the easement including a legal description of the property. **
- ** ITEM #6 REFERRED TO PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE PER COUNTY BOARD ON 10/16/02.
- 7. Audit of bills. Pay the bills.
- 8. **Rethink** "new" time and date for Planning, Development and Transportation Committee meetings. (First Thursday of the month beginning in October 2002.)

A motion was made by Supervisor Vanden Plas and seconded by Supervisor Collins to adopt. Supervisor Van Deurzen requested item #6 be taken separately. Remainder of report carried unanimously with no abstentions.

Item #6 -- Port and Solid Waste – Request for easement by Koch Materials Company.
****Please Note** This agenda item to go to September 18, 2002 County Board meeting. (Grant the easement including a legal description of the property was the action at the committee level)**

A motion was made by Supervisor Van Deurzen and seconded by Supervisor Haefs to refer item #6 back to committee. Voice vote taken on referral. Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive

Date: 10/28/2002

No. 9f -- **REPORT (2ND) OF PLANNING, DEVELOPMENT AND
TRANSPORTATION COMMITTEE AND LAND CONSERVATION
SUBCOMMITTEE OF OCTOBER 3, 2002**

TO THE MEMBERS OF THE BROWN COUNTY
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE AND LAND CONSERVATION SUBCOMMITTEE met in regular session on October 3, 2002, and recommends the following motions:

Land Conservation Subcommittee

1. Correspondence: Letter from Russell Feingold to Ann Veneman, Secretary of Agriculture regarding: Merlin Vanden Plas letter about Conservation Reserve Enhancement Program (CREP). Receive and place on file.
2. Correspondence from John Johnson, USDA to Bill Hafs regarding CREP. Receive and place on file.
3. Resolution regarding: Request for State Legislation that would Adequately Fund County Land Conservation Staffing for New Mandatory State Agriculture Standards, Conservation Reserve Enhancement Program (CREP), and other State Conservation Programs. Committee approved. See Resolutions, Ordinances October County Board.
4. Correspondence from Corporation Counsel, Ken Bukowski, to Bill Hafs regarding authority of Land Conservation Subcommittee on Chapter 26 variances. Receive and place on file.
5. Chapter 26 variance request Jeff Ronsman, Town of Humboldt. Deny variance request.
6. Communication from Ann Opgenorth regarding: Toolkit Update. Receive and place on file.
7. Thursday Notes dated August 29, 2002 and September 12, 2002. Receive and place on file.
8. Director's report. No action.

Planning, Development and Transportation Committee

1. Review minutes of:
 - a) Solid Waste Board (8/12/02).
Receive and place on file.
 - b) Planning Commission (9/4/02).
Receive and place on file.
2. Planning Commission - **Public Hearing** Pursuant to Section 236 of the Wisconsin Statutes, to consider the revisions to the Brown County Subdivision Ordinance. No action.
3. Planning Commission – Revisions to the Brown County Subdivision Ordinance. Committee approved. See Resolutions, Ordinances October County Board.

4. Planning Commission – Update regarding the preliminary results of the Brown County Smart Growth Plan – Vision Fest Meeting. No action.
 5. Bay-Lakes Regional Planning Commission – Resolution regarding: Concurrence with the District Comprehensive Economic Development Strategy (CEDS) 2002 Annual Report. Committee approved. See Resolutions, Ordinances October County Board.
 6. Zoning – Director’s report. No action.
 7. UW-Extension – Request for Budget Transfer: Increase in expenditures with offsetting increase in revenue: Approve \$28,616 for resolution to create Extended Learning Coordinator position funded by the 21st Century Learning Center Grant received by Green Bay Area Public Schools. Approved.
 8. UW-Extension – Director’s report. (No report.)
 9. Port and Solid Waste – Request for easement by Koch’s Materials Company. (Referred back to committee from September County Board.) Hold for one month. Ayes: 4(Daul, Vanden Plas, Haefs, Lund); Nays: 1 (Van Deurzen). Motion Carried.
 10. Port and Solid Waste – Concerns of residents around proposed transfer station in Town of Hobart. No action.
 11. Discussion and possible action regarding Transfer Station in Hobart.
 - * a) Move the Planning, Development and Transportation Committee of the Brown County ask for a declarative judgment on the County Board Resolution of May 19, 1976, paragraph 2, which states Brown County will own and have use of the property as parks after the Solid Waste Management Board no longer uses said property in the Solid Waste Management System. Would like to have a judgment on when the Brown County Parks took over the property for a dog park in 1996 if this constituted abandonment of the site as part of the Solid Waste System. Would like further judgment if Brown County Solid Waste Board can proceed with the building of the Transfer Station in Hobart without the approval of the Brown County Board. Modify motion to include at the end of the third paragraph that all work is suspended at the site until declarative judgment has been rendered. Ayes: 4 (Vanden Plas, Lund, Van Deurzen, Daul); Nays: 1 (Haefs). Motion Carried.
 - * THIS ITEM #11A WAS DEFEATED BY THE COUNTY BOARD ON 10/16/02.
 - ** b) Obtain a declaratory judgment if the Brown County Solid Waste Board can proceed with the building of the Transfer Station in Hobart without the approval of the Brown County Board. Ayes: 4 (Lund, Vanden Plas, Daul, Van Deurzen); Nays: 1 (Haefs). Motion Carried.
 - ** c) Further move that all work be suspended at the site until such judgment has been rendered. Ayes: 4 (Lund, Vanden Plas, Van Deurzen, Daul); Nays: 1 (Haefs). Motion Carried.
 - ** ITEMS #11B AND #11C WERE DEFEATED BY THE COUNTY BOARD ON 10/16/02.
- NOTE: A MOTION WAS MADE AND SECONDED TO APPROVE A MOTION FOR THE SOLID WASTE BOARD TO LOOK AT ALTERNATIVE SITES FOR A TRANSFER STATION. APPROVED BY THE COUNTY BOARD ON 10/16/02 BY A VOTE OF AYES: 22; NAYS: 3; ABSTAIN: 1.
12. Port and Solid Waste – Brown County MRF tip fee adjustment. Accept.
 13. Port and Solid Waste – WPS purchase of Bay Port easement. Approve.

14. Port and Solid Waste – Director’s report. (No report.)
15. Highway – Resolution regarding: Authorizing County Trunk Highway Jurisdictional Revisions to CTH “V”/(Finger Road) City of Green Bay. Committee approved. See Resolutions, Ordinances October County Board.
16. Highway – Ordinance regarding: Dealing with Revision of Speed Zone on County Trunk Highway “V”/(Finger Road) Town of Humboldt, Brown County, State of Wisconsin. (Held from previous meeting.) Table.
17. Highway – Ordinance regarding: Revising the speed limit on CTH “XX”/Hoffman Road, from the East River to Bellevue Street, in the Town of Bellevue. Committee approved.
18. Highway Commissioner’s report. No action.
19. Audit of bills. Pay the bills.
20. Discussion of budget meeting for week of October 28, 2002. (Regular and budget meeting to be October 28, 2002, 6:15 p.m.).

A motion was made by Supervisor Daul and seconded by Supervisor Collins to adopt. Supervisor Collins and Supervisor Zima requested items #10, #11 & #12 be taken separately. Remainder of report carried unanimously with no abstentions.

Item #10 -- Port and Solid Waste – Concerns of residents around proposed transfer station in Town of Hobart. (No action at the committee level.)

Supervisor Zima spoke about the proposed transfer station.

A motion was made by Supervisor Johnson and seconded by Supervisor Marquardt to suspend the rules to allow interested parties to address the Board. Vote taken. Motion carried unanimously with no abstentions.

A motion was made by Supervisor Johnson and seconded by Supervisor Marquardt to limit the interested parties to a 3-minute presentation. Vote taken. Roll Call #9f10(1):

Ayes: Antonneau, Johnson, Marquardt

Nays: Graves, Nicholson, Schmitt, Miller, Haefs, Hansen, Kaye, Zima, Evans, Vander Leest, Vanden Plas, Kuehn, Collins, Daul, Van Deurzen, Fleck, Clancy, Moynihan, Watermolen, Schadewald, Simons, Lund, Fewell

Total Ayes: 3 Total Nays: 23

Motion defeated to limit public to a 3-minute presentation.

The following citizens spoke against the location of the proposed transfer station:

1. Mary Pieschek, 3413, N. Overland Road, Oneida 54155 (accompanied by an attachment)
2. Jim Reigel, 3837 Rolling Heights, Oneida 54155 (accompanied by attachments)
3. Hugh Danforth, 874 Silver Creek Drive
4. Joe Helfenberger (Hobart Administrator), 3792 Rolling Meadows Road
5. Helen Lemmen 3644 West Mason Street
6. Pat Swinford, 3775 Hidden Tr., Oneida 54155
7. Nancy Cormier, 3180 Ferndell, Oneida 54155
8. Thomas C. White, 3760 Rolling Meadows
9. Vera D. Wilson, 3466 Dead End Rd., Oneida 54155
10. Marjorie Stevens, 3307 N. Overland Road, Oneida 54115
11. Paul Ninham, West Meadow Drive
12. Becky Weber, 2811 Antler Trail, Green Bay

The following citizens appeared at the meeting against the proposed transfer station but did not choose to address the Board:

1. Jeff Carlson, 3104 Ferndell Acres Drive
2. Jerry Mischa, 3213 Ferndell Acres Drive, Oneida 54155
3. Dave Johnson, 724 Park Street, Green Bay

A motion was made by Supervisor Van Deurzen and seconded by Supervisor Miller to return to the regular order of business. Vote taken. Motion carried unanimously with no abstentions.

Nancy Nusbaum spoke and clarified issues that were raised by previous speakers on this issue. A motion was made by Supervisor Zima and seconded by Supervisor Haefs to adopt item #10 of 9f. Vote taken. Motion carried unanimously with no abstentions.

Item #11a -- Request that the Planning, Development and Transportation Committee ask for a declarative judgment on the County Board Resolution of May 19, 1976 regarding Solid Waste Landfill location being turned into a Park

A request was made by Supervisor Lund to eliminate the words in #11a from "Would like further judgment ... all work suspended at the site until declarative judgment has been rendered".

A motion was made by Supervisor Lund and seconded by Supervisor Daul to eliminate the above words from #11a and continue with #11b and #11c. Chairman Simons explained an "Aye" vote would be in support of a declaratory judgment. After discussion it was decided to vote on #11a at this time. Vote taken on Item #11a. Roll Call #9f11a(1):

Ayes: Nicholson, Zima, Evans, Vanden Plas, Daul, Van Deurzen, Clancy, Simons, Lund

Nays: Antonneau, Graves, Schmitt, Miller, Haefs, Hansen, Kaye, Vander Leest, Johnson, Kuehn, Collins, Marquardt, Fleck, Moynihan, Watermolen, Schadewald, Fewell

Total Ayes: 9 Total Nays: 17

Motion defeated for seeking a declaratory judgment.

Item #11b -- Obtain a declaratory judgment, if the Brown County Solid Waste Board can proceed with building a Transfer Station in Hobart without the approval of the Brown County Board.

A motion was made by Supervisor Van Deurzen and seconded by Supervisor Daul to adopt item #11b. After much discussion a vote was taken to adopt. Roll Call #9f11b(1):

Ayes: Nicholson, Schmitt, Haefs, Zima, Evans, Vander Leest, Vanden Plas, Daul, Van Deurzen, Watermolen, Simons, Lund

Nays: Antonneau, Graves, Miller, Hansen, Kaye, Johnson, Kuehn, Collins, Marquardt, Fleck, Clancy, Moynihan, Schadewald, Fewell

Total Ayes: 12 Total Nays: 14

Motion defeated.

Item #11c -- Further move that all work be suspended at the site until such judgment has been rendered.

Supervisor Zima made a motion to strike the words "Further" and also "until such judgment has been rendered".

Chairman Simons explained Supervisor Zima's motion would have 11c read "Move that all work be suspended at the site". Vote taken. Roll Call #9f11c(1):

Ayes: Nicholson, Zima, Vander Leest, Johnson, Vanden Plas, Daul, Van Deurzen, Simons, Lund, Fewell

Nays: Antonneau, Graves, Schmitt, Miller, Haefs, Hansen, Kaye, Evans, Kuehn, Collins, Marquardt, Fleck, Clancy, Moynihan, Watermolen, Schadewald

Total Ayes: 10 Total Nays: 16

Motion defeated.

Continuing after vote on #11c it was determined by Corporation Counsel that Supervisor Schadewald could be allowed to make a motion to "Recommend to the Solid Waste Board that they look at alternative sites for the transfer station. Motion was seconded by Supervisor Lund. Vote taken. Roll Call #9f(1):

Ayes: Antonneau, Graves, Nicholson, Schmitt, Miller, Haefs, Hansen, Kaye, Zima, Evans, Vander Leest, Johnson, Vanden Plas, Daul, Van Deurzen, Clancy, Moynihan, Watermolen, Schadewald, Simons, Lund, Fewell

Nays: Kuehn, Collins, Fleck

Abstain: Marquardt

Total Ayes: 22 Total Nays: 3 Abstain: 1

Motion carried.

Item #12 -- Port and Solid Waste- Brown County MRF tip fee adjustment.

A motion was made by Supervisor Antonneau and seconded by Supervisor Johnson to adopt item #12 of 9f. Vote taken. Roll Call #9f12(1):

Ayes: Antonneau, Graves, Nicholson, Schmitt, Miller, Haefs, Hansen, Kaye, Zima, Evans, Vander Leest, Johnson, Vanden Plas, Kuehn, Collins, Marquardt, Daul, Van Deurzen, Fleck, Clancy, Moynihan, Watermolen, Schadewald, Simons, Lund, Fewell

Total Ayes: 26

Motion carried unanimously with no abstentions.

A motion was made by Supervisor Marquardt and seconded by Supervisor Moynihan to adopt the Committee Report as amended. Vote taken. Roll Call #9f(1):

Ayes: Antonneau, Graves, Nicholson, Schmitt, Miller, Haefs, Hansen, Kaye, Zima, Evans, Vander Leest, Johnson, Vanden Plas, Kuehn, Collins, Marquardt, Daul, Van Deurzen, Fleck, Clancy, Moynihan, Watermolen, Schadewald, Simons, Lund, Fewell

Total Ayes: 26

Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive Date: 10/28/2002

No. 9g -- REPORT OF PUBLIC SAFETY COMMITTEE OF OCTOBER 1, 2002

TO THE MEMBERS OF THE BROWN COUNTY
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The PUBLIC SAFETY COMMITTEE met in regular session on October 1, 2002, and recommends the following motions:

1. Review minutes of:
 - a) Fire Investigation Task Force General Membership (7/11/02).
 - b) VIP Advisory Board Minutes (6/4/02).Approve items a-b.
2. Circuit Courts – Communication from Brown County Courthouse Security Committee Chair, Gary Wickert, regarding: Courthouse Access. (Held from previous meeting.) (Held until next meeting.)
3. Public Safety Communications – Director’s report. No action.
4. Sheriff – Resolution regarding: Authorizing Sheriff’s Warrant Fees. Amend from \$32.20 to \$35.00 and committee approved. (See attached.) See Resolutions, Ordinances October County Board.
5. Sheriff – Jail population and overtime report. Receive and place on file.
6. Sheriff’s report. No action.
7. Audit of bills. Approve the bills.

Attachment to Item #4

September 30, 2002
Brown County Board of Supervisors
Public Safety Committee
RE: Warrant Fee

Dear Gentlemen:

In looking for ways to generate revenue for the County I came across information relating to a fee that could be attached to the service of Commitment Orders for Non-Payment of Fine/Forfeiture, Arrest Warrants and Bench Warrants.

The initial resource I had available was a similar program implemented by the Rock County Sheriff’s Department in 1995. You can ascertain from the figures below, from 1995 until August 8, 2002, they were able to collect \$225,705.00. You will also note that in 2000, they increased their fee from \$20.00 to \$35.00, per service.

1995	\$20	\$	574.00	
1996	\$20	\$	13,442.00	
1997	\$20	\$	20,774.00	
1998	\$20	\$	24,128.00	
1999	\$20	\$	24,591.00	
2000	\$35	\$	41,842.00	(Increased to \$35.00 on November 15, 2000)
2001	\$35	\$	76,372.00	
2002	\$35	\$	42,682.00	(Through August 8, 2002)
		\$	225,705.00	Grand Total

What gives us the statutory authority to increase or implement this fee? The authority is based on ss. 814.70(1), which provides for the Sheriff the authority to collect fees for the service of process (Warrants included) and ss. 814.705(1) that provides that the county board may establish a higher fee for collection by the sheriff. This information was given to Brown County Corporation Counsel for review. Mr. Kenneth Bukowski concurred on the authority of the proposal with a recommendation to proceed for submission to the county board.

How was the cost of the fee established? The amount of the proposed fee, \$32.20 per service, was derived by taking the wages and benefits of a mid-line deputy, or in Brown County, the 42 month rate of \$22.66 per hour plus the percentage rate of an employee's benefits, being 42%¹, for a total of \$32.17 or rounded to \$32.20.

- ☞ This took into consideration the average time to enter the order into the Wisconsin Crime Information Bureau (CIB) system; and serve the warrant (arrest, travel and time spent at the jail) by the officer was estimated at one (1) hour. This did not take into account clerical support, vehicle usage and related telephone usage.
- ☞ It must be noted that the wage and benefit rate was based on the **2001** Non-Supervisory Bargaining Contract, with a new contract currently being negotiated. Therefore the fee may require an increase once the contract is ratified.
- ☞ The second concern in the establishment of the amount of the fee is not to overprice it, which could result in an individual being forced to spend more time in the jail due to the subject being unable to post the bond and associated fees.²

How would the fee be collected? The fee would be a direct cost, added to other costs imposed by the courts, which is part of the bond amount. Therefore if an individual wished to post bond, the amount posted would include the warrant fee.

- ☞ The Clerk of Court has a like fee of \$10, imposed by the courts, as a filing fee for warrants.

What is the potential revenue, which could be generated from this fee? In 2001, the Brown County Sheriff's Department cancelled 3,347 warrants, of which 2,553 were cancelled either because the party was incarcerated (2,227) or posted the bond (326).

☞ $2553 \times \$32.20 = \$82,206.60$

- Bench Warrants (In-custody)	1167
- Bench Warrants (Posted)	159
- Criminal Complaint Warrant (In-custody)	658
- Criminal Complaint Warrant (Posted)	67
- Criminal Complaint Warrant (Felony)	14

- Commitment (In-custody)	362
- Commitment (Posted)	100
- Juvenile Warrant (In-custody)	26



In 2002, there are currently 4,235 active warrants.

¹ The percentage rate of 42% was derived from a conversation with Mr. James Kalny, Director of Brown County Human Resources.

² Inmates in the Rock County Jail serve out their sentences at an amortized rate of \$50 per day, so they wanted to insure the warrant fee was less than that amount. This alludes to a party unable to pay the additional costs and could result in additional time incarcerated.

A motion was made by Supervisor Schmitt and seconded by Supervisor Kuehn to adopt. Vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive Date: 10/28/2002

No. 10 -- RESOLUTIONS, ORDINANCES

No. 10a -- RESOLUTION REGARDING: DISALLOWANCE OF CLAIM (JUDITH AHRENS)

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, a Claim was filed on September 9, 2002, in the Brown County Clerk's office; and

WHEREAS, said Claim alleges that Judith Ahrens sustained damages, and alleges that said damages were caused by Brown County and employees of Brown County; and

WHEREAS, after a review of this matter by the Corporation Counsel's office, said office recommends that the Claim be denied.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that the Claim submitted by Judith Ahrens be and the same is hereby denied, and no action on this Claim may be brought against Brown County or any of its officers, officials, agents or employees after six months from the date of service of this notice.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the claimant, Judith Ahrens, and her attorney, Donald Radosevich, as a notice of disallowance.

Respectfully submitted,
ADMINISTRATION COMMITTEE

A motion was made by Supervisor Antonneau and seconded by Supervisor Graves to adopt. Vote taken. Motion carried unanimously with no abstentions.

Approved by: _____ \s\ Nancy J. Nusbaum, County Executive

Date: 10/28/2002

No. 10b -- RESOLUTION REGARDING: TRANSFERRING FUNDS TO THE LITERACY COUNCIL OF BROWN COUNTY

A motion was made by Supervisor Marquardt and seconded by Supervisor Kuehn to adopt. Vote taken. Roll Call #10b(1):

Ayes: Hansen, Evans, Kuehn, Marquardt, Clancy, Watermolen, Schadewald, Fewell

Nays: Antonneau, Graves, Nicholson, Schmitt, Miller, Haefs, Kaye, Zima, Vander Leest, Johnson, Vanden Plas, Collins, Daul, Van Deurzen, Fleck, Moynihan, Simons, Lund

Total Ayes: 8 Total Nays: 18

Motion defeated.

A motion was made by Supervisor Vander Leest and seconded by Supervisor Evans that a vote be taken on a reconsideration of this resolution. Vote taken. Roll Call #10b(2):

Ayes: Schmitt, Hansen, Evans, Vander Leest, Johnson, Kuehn, Clancy, Schadewald, Lund, Fewell

Nays: Antonneau, Graves, Nicholson, Miller, Haefs, Kaye, Zima, Vanden Plas, Collins, Marquardt, Daul, Van Deurzen, Fleck, Moynihan, Watermolen, Simons

Total Ayes: 10 Total Nays: 16

Motion defeated for a reconsideration of this resolution.

No. 10c -- RESOLUTION REGARDING: APPROPRIATELY HONORING THOSE WHO SERVED THEIR COUNTRY IN THE ARMED SERVICES

A motion was made by Supervisor Moynihan and seconded by Supervisor Haefs to adopt.

Supervisor Schadewald amended the resolution by adding the following paragraph "Therefore, be it further resolved by the Brown County Board of Supervisors that it hereby sets the example by enacting a policy which allows county employees who are veterans to be granted a day off from work with pay on Veteran's Day (or taken as a floating holiday)."

A motion was made by Supervisor Schmitt and seconded by Supervisor Kaye to refer back to committee. Voice vote taken. Supervisors Johnson, Moynihan, Graves and Lund voted nay. Motion carried to refer back to committee.

No. 10d -- RESOLUTION REGARDING: APPROVING LABOR AGREEMENT FOR 2002-2003 BETWEEN BROWN COUNTY AND THE BROWN COUNTY COURTHOUSE EMPLOYEES

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, Brown County has been negotiating with the Brown County Courthouse Employees bargaining unit seeking agreement on a labor agreement, and the parties have agreed to submit certain amendments of the predecessor labor agreement to their respective governing bodies for ratification.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that it hereby approves the tentative agreement of Brown County to Brown County Courthouse Employees as contained in the tentative agreement attached hereto and made a part thereof as though fully set forth.

Respectfully submitted,
EXECUTIVE COMMITTEE

TENTATIVE AGREEMENT OF BROWN COUNTY TO THE BROWN COUNTY COURTHOUSE EMPLOYEES

This is a package proposal where all components must either be accepted or rejected in total. This proposal is intended to complete negotiations for the 2002-2003 contract.

It is the understanding of the County that this Tentative Agreement will be presented to the Union membership with the recommendation of the bargaining committee for a ratification vote. The terms and conditions outlined in this proposal are proposed by the County only under the terms of a voluntary settlement. As explained to the committee, should a voluntary settlement. As explained to the committee, should a voluntary settlement not be reached prior to implementing the impasse resolution procedure, this same offer will not be placed on the table for discussion by the County during the impasse resolution procedure.

ARTICLE 12 INSURANCE

The Basic Plan shall continue to be offered through the term of this agreement. The union will not object to the use of the plan being subject to acknowledgement by the employee that they have read and understood the attached document.

Effective 1/1/03 amend the premium contributions to 5% on all plans.

The HSP Plan shall be amended effective 1/1/03 with the following changes:

Nervous and Mental coverage shall be upgraded to that of the PPO

All Plans will be amended as follows:

\$25.00 penalty for non-emergency use of the emergency room

3 tier formulary for RX (20%, 20%, 20% + \$15.00)

Effective 1/1/03 the requirement for pre-certification for first ten out patient therapies shall be eliminated in all plans

ARTICLE 13 WISCONSIN RETIREMENT SYSTEM

Increase bi-weekly contribution commensurate with the percentage of the wage increase.

ARTICLE 20 FUNERAL LEAVE

Create a memorandum of understanding providing on a trial basis:

Notwithstanding Article 20 Funeral Leave the parties agree to the following:

Whenever a death occurs to a spouse or child/stepchild of an employee, the Employer shall compensate the employee for any time lost from work during the next five (5) succeeding work days following said death. At least one (1) of the five (5) days off must be used to attend the funeral. Should such death occur during the employee's vacation, he shall receive the additional time off with pay at a time to be mutually agreed upon. Compensation shall be at the regular hourly rate of said employee for a normal work day. Should the funeral or internment occur at a delayed date (example, winter death and spring internment), the employee may use one (1) of the five (5) days to attend the funeral or internment.

Three (3) days leave shall be granted in the event of death of sibling (brother or sister), parents/stepparents, or grandchild.

One (1) day leave shall be granted in the event of death of aunts/uncle of the employee or spouse, grandparent, mother/father-in-law, spouse's grandparents, sister/brother-in-law, son/daughter-in-law.

In the case of death of an employee's family/in-law of a regular part-time employee, the employee will be granted an excused absence up to the allotted days referenced above, beginning on the succeeding calendar days starting on the date of death or the day following the death. If during this leave, the employee has scheduled work days, the employee will be paid for those scheduled work days only. The employee will not be paid for any of these days which are non-scheduled workdays. Should any death occur during an employee's vacation, he/she shall receive additional time off with pay for any scheduled work day affected by a time to be mutually agreed upon.

In the case of the death of a spouse's grandparent or of a son/daughter-in-law, brother/sister-in-law, aunt or uncle of the employee or spouse, the regular part-time employee shall be granted one (1) day with pay to attend the funeral provided such day is a scheduled work day. If the funeral day is not a scheduled work day, the employee will not be paid for this one (1) day.

ARTICLE 23 HOLIDAYS

ADD: One (1) additional Personal Leave Day to be used in the manner provided in Article 23 – commencing January 1, 2003.

ARTICLE 24 HOURS OF WORK

Add language to clarify the weekly hours for all positions that work 40 per week. We are still reviewing the hours of positions and will come up with a list. Would like to specify hours in Schedule A. This list will be subject to verification by the union.

ARTICLE 25 SENIORITY

Amend lines 814-815 to read as follows:

Effective May 23, 1990, newly hired employees' seniority will be prorated based on hours worked effective September 1, 2002 for job posting purposes only.

ARTICLE 26 JOB POSTINGS

Amended line 843 to read as follows:

Employees who receive a posted job shall not be allowed to post for another job outside their department for nine (9) months.

ARTICLE 30 UNIFORM ALLOWANCE

Agree to increase all allowances by \$10.00 January 1, 2003.

ARTICLE 31 DURATION OF AGREEMENT

Amend the dates referenced in lines 919-920 to read as follows:

This agreement shall become effective January 1, 2002, and shall remain in force and effect to and including December 31, 2003.

EXISTING ADDENDUMS AND MEMORANDUMS:

Telecommunication Operators

Resign

Call In Procedure – Telecommunications Operators

Resign

Telecommunication Operator Eligibility Lists

Resign/with changes

MEMORANDUM OF UNDERSTANDING

Telecommunication Operator Eligibility Lists

The following agreement has been reached between the Drivers, Warehouse and Dairy Employees Union, Local No. 75, International Brotherhood of Teamsters, representing the Courthouse Employees and Brown County.

Notice is hereby given that the Sheriff's Public Safety Department is creating an eligibility list for the position of Telecommunication Operator.

Article #26 of the Brown County Courthouse Employees Agreement provides that employees who have completed their probationary period are eligible for new positions and vacancies.

~~In order to comply with State Statute 165.85 and Wisconsin Administrative Code, all persons appointed to jail officer positions must be certified by the Wisconsin Training and Standards Board.~~

An agreement has been reached with Teamsters, Local 75 that limits the posting provisions to one posting per year. The Human Resources Department, ~~and the~~ with the assistance of the Sheriff's Public Safety Department will process the senior applicants to establish the eligibility lists. ~~Applicants must meet the requirements of the Training and Standards Board to be able to fill the positions.~~

Those employees that wish to be considered for the position of Telecommunication Operator, or wish to change from a full-time to a part-time or a part-time to full-time must sign the posted notice in the Human Resources Department. The Telecommunication Operator eligibility posting will be posted one time each year on August 1 through August 31. During the months of September and October, following the above referenced posting, the County shall complete a hiring procedure, including the following:

- A. A release of information
- B. A background check
- C. A credit check
- D. Past employer check
- E. Customer reference check
- F. Educational transcript
- G. Police check
- H. Any required testing

All persons who have signed the posting and are qualified after going through the hiring procedure will be placed on the eligibility list effective midnight October 31 of the year of the posting.

During the period of time from midnight August 31 through midnight October 31, any vacancies that occur in the position of telecommunicator will be filled from the eligibility list of the preceding year.

~~Positions will be awarded contingent upon successful completion of a complete medical examination and psychological examination. The person selected must also be a licensed driver in the State of Wisconsin. This procedure will be effective August 1, 1991. The eligibility lists will expire on August 31 October 31 of the following year. Should the eligibility list deplete before August 1, a new posting will be posted prior to the August 1 effective date.~~

Procedure for Hiring Telecommunication Operators

Procedure for Appointing Court Coordinators to Open Courts

Park Department Work Schedule

Coffee Breaks

Job Analysis Procedure

Insurance

Testing

Resign

Resign

Resign

Resign

Resign

Resign

Resign

<u>Direct Deposit</u>	Resign
<u>Key strokes per minute</u>	Resign
Will commit to continuing to study this area during term of agreement	
<u>Snow Removal</u>	Resign
<u>Tuition Assistance Program</u>	Resign
<u>Health Department Employees</u>	Resign
<u>Leadworkers – Facilities</u>	Resign
<u>Dental Insurance</u>	Delete
<u>Vision Insurance</u>	Delete
<u>Retiree Insurance</u>	Delete
<u>Long Term Care</u>	Delete
<u>Telecommunication Operators and EMD Training</u>	Delete
With understanding management reserves the right to determine qualifications	

SCHEDULE A

Increase all positions on the Schedule 3% for 2002, *3% increase in 2003*

Delete Legal Secretary in pay grade E

Add Legal Assistant I in pay grade J

Add Legal Assistant II in pay grade P

Add Juvenile Deputy Clerk in pay grade S

Secretary II, move into pay grade F as a Land Conservation Clerk

OUT OF GRADE PAY – Add to line 1908

In order to be eligible for out of grade pay an employee must file a time card or other form requesting out of grade pay at the time of the performance of the work

The form shall specify the time worked and the duties performed that constitute out of grade work

SHIFT DIFFERENTIAL

Move Park Rangers to same shift differential as referenced in Line 1914, with hours referenced in Line 1920-1921

TELECOM ADDENDUM

MEMORANDUMS

Add to Addendum:

Holidays, vacations, days off, comp time and personal leave days will begin four (4) hours after the end of the employee's last scheduled work shift and end 4 hours prior to the next scheduled work shift.

County agrees that the:

Equalized provision of line 970 will remain but be used for voluntary OT only during the term of this agreement.

Add to Telecommunication Operators Memorandum line 971

- Anyone volunteering for overtime and wanting to cancel would have to find their own replacement following seniority principles if canceled less than ten (10) days prior to the scheduled overtime. If canceled prior to ten (10) days, Management would be responsible for filling the vacancy.
- Willing to enter into a memorandum that any lead or TCO who becomes a telecommunications supervisor may return to the unit without loss of seniority if the return is within 60 days.
- Willing to enter into memorandum that all initial vacation picks are by seniority. Any and all picks after selection process is complete is based on first (1st) come first (1st) serve.

COMM CENTER VACANCIES

- Any vacancy in the TCO position will be filled by bargaining unit seniority among TCOs. Leads will only be included in the call-in if two (2) Leads are scheduled on the vacant shift.
- A vacant Lead position when two (2) Leads are scheduled will be filled in the same manner, provided one (1) Lead is working.
- When only one (1) Lead is scheduled and this position is vacant, the vacancy will be filled by Leads according to seniority.
- Management will consider training additional TCOs to be fill in Leads.
- Fill in Leads seniority will only be with TCOs and they will only receive Lead pay while performing Lead duties.
- Under no circumstances will any TCO or Lead TCO (within their respective groups) be forced to work on their scheduled day off or more hours than they may have volunteered for unless all of the following remedies have failed to produce someone to fill the vacancy:
 - Volunteers
 - Inversed seniority

POLICIES

VACATION SELECTION PROCEDURES BROWN COUNTY TELECOMMUNICATION CENTER OPERATORS

All Telecommunication Center Operators will begin vacation selections on October 1 for the following year. An official seniority pick list will be kept with the vacation selection book. The vacation selection book is kept in the Comm. Center.

All TCOs will be allowed two (2) rounds of vacation selections or picks. Picks are to be taken one (1) at a time by seniority.

Each TCO will have two (2) days to complete their pick. If a TCO is on extended leave, vacation time or any off time, they may contact the Lead-person or Supervisor by phone, or leave him/her a memo stating what days they would like to select for their pick. If a TCO is passed because of failure to pick within two (2) days, the pick will be passed and will not be allowed to be made up at a later time. A TCO may voluntarily pass their pick. A passed pick cannot be made up at a later date.

The most senior TCO shall take their vacation selection and then notify the next senior TCO when they have completed their selection or notify the Lead-person or Supervisor to advise the next senior person that they have completed their selection. It is recommended that TCOs keep track of the picks and if it is near their turn to check in occasionally to learn the status of the pick or make arrangements to have their pick completed.

TCOs will fill out a time off sheet for the time selected and turn it into the Lead-person or Supervisor. They will place their names in the vacation selection book and it will be initialed by the Lead-person or Supervisor.

A TCO may cancel a pick by turning in a time off sheet for the time selected and writing cancel on it. Any canceled vacation pick will be offered by seniority during the next pick cycle. Canceled picks may not be selected at a later time. The pick will be considered passed.

Cancellation of vacations will not be allowed less than five (5) days prior to the scheduled vacation.

All cancelled days will become available to all TCOs by seniority after all pick cycles are done.

Management will adopt a policy of *making* all reasonable effort to approve or deny vacation requests after forty-eight (48) hours after request is made.

OTHER TELECOM POLICIES

- Once Comm Center is fully staffed and trained three (3) persons per shift and eight (8) person off per day. *(Note leads and power shift concerns will be considered in this policy.)*
- Once the Comm Center is fully staffed and trained to limit forcing maximum of three (3) twelve (12) hour shifts in any five (5) consecutive day period.
- Will create a policy that employees who have had at least 8 hours off can be inversed

Miscellaneous Policy TESTING

The County agrees that it will use the following effective periods for tests during the term of this agreement:

Scores for Skills are valid for eighteen (18) months.

Scores for Position are valid for five (5) years.

ALL POLICIES ABOVE ARE AT THE DISCRETION OF MANAGEMENT

OTHER

Still reviewing Warrant/TRO Clerk position.

End of Document

A motion was made by Supervisor Antonneau and seconded by Supervisor Nicholson to adopt. Vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive

Date: 10/28/2002

No. 10e -- RESOLUTIONS REGARDING: CHANGING THE TABLE OF ORGANIZATION AT THE BROWN COUNTY AGING RESOURCE CENTER

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, a reorganized request has been analyzed by the Board of the Aging Resource Center, and after reviewing this matter, the Board recommends that the current Nutrition Director position working 2080 hours and the current Volunteer Coordinator position working 1560 hours be replaced with a new Nutrition/Volunteer Coordinator position working 2080 hours and a Dietary Technician position working 1560 hours in the Table of Organization of the Brown County Aging Resource Center; and

WHEREAS, the recommended changes result in a cost savings and no additional hours in the Department.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that it hereby changes the Table of Organization of the Brown County Aging Resource Center as follows: delete 1 FTE Nutrition Director and delete 0.8 FTE Volunteer Coordinator and create 1 FTE Nutrition/Volunteer Coordinator and create 0.8 FTE Dietary Technician.

Respectfully submitted,
HUMAN SERVICES COMMITTEE
EXECUTIVE COMMITTEE

A motion was made by Supervisor Haefs and seconded by Supervisor Miller to adopt. Vote taken. Motion carried unanimously with no abstentions.

Approved by: _____\s\ Nancy J. Nusbaum, County Executive

Date: 10/28/2002

**No. 10f -- RESOLUTION REGARDING: RECLASSIFICATION OF A CLERK
TYPIST II IN THE DEPARTMENT OF HUMAN SERVICES**

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, the Human Resources Department has received a reclassification request from the Department of Human Services, that being to reclassify a Clerk Typist II position; and

WHEREAS, the Human Resources Department has spent considerable time and effort to review and research this classification and, based on that research, is recommending that the Clerk Typist II position be reclassified to Account Clerk I, to be retroactive to November 30, 1998, which will result in an estimated annual fiscal impact of approximately \$1,830 and a retroactive wage impact to November 30, 1998 in the amount of \$5,910; and

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that it hereby approves of the reclassification request described above, to be effective as soon as this reclassification can reasonably be implemented.

Respectfully submitted,
HUMAN SERVICES COMMITTEE
EXECUTIVE COMMITTEE

CITY OF GREEN BAY/BROWN COUNTY HUMAN RESOURCES MEMO

TO: Jim Kalny
Human Resources Director
FROM: Debbie Klarkowski
Human Resource Analyst
SUBJECT: Karen Schweda – Reclassification Request

DATE: May 29, 2002

I. Request: On November 30, 1998, the Human Resource Department received a request from Karen Schweda to look at reclassifying her position of Clerk Typist II.

II. Research Completed:

- A. Discussion with incumbent, Karen Schweda, Clerk Typist II – Billing
- B. Discussion with Laurie Rentmeester, Admissions/Billing/Collection Coordinator
- C. Discussion with Margaret Hoff, Accountant Manager
- D. Review of the other position descriptions in Mental Health Center, Local 1901 Union
- E. Review of the position description questionnaire (PDQ) for the position

III. Discussion:

Through discussions with the incumbent, the basis for this reclass is based on the change from performing responsible clerical and typist duties to those of a higher level, similar to an Account Clerk I.

Examples of duties that Karen Schweda feels have changed include the addition of:

- Performs billing procedures associated with community support programs
- Performs Account Receivable procedures associated with community support programs

As a result of the above changes, the incumbent feels she now requires a greater knowledge of Medicare, medical assistance, and third party billing regulations and coding and accounts receivable knowledge, as well as an in depth knowledge of computer software such as Lotus and Excel.

IV. Analysis of job duty changes:

Ms Schweda was hired as a Clerk Typist II in August of 1993. As a Clerk Typist II, Ms. Schweda assisted with the processing of third payer claims and completed follow-up on secondary payers. Responsibilities included receiving incoming bills, entering billing information, and producing billing statements. In summer of 1994, Ms. Schweda was assigned the billing for Case Management and Nursing Home Dental Services, two new community support programs. This included being accountable for the whole billing process and the accounts receivable justification of payments. In 1995 the Villa Hope/CSP program began and Ms. Schweda was assigned the billing and accounts receivable justification. Additionally in 1997 the physicians started services on the Nursing Home units and Ms. Schweda was assigned the billing on the electronic system. She also sets up the accounts receivable justification on Lotus software.

Ms. Schweda is responsible for receiving the monthly client sheets from the case management workers. She will verify the client information, determine the billable totals and enter the billing date, procedure code, and billing time into the computer system. Ms. Schweda is responsible for completing the monthly billing closing, running the bills, and associated reports. Approximately 650 bills are sent out monthly in this position. Ms. Schweda is responsible for resolving billing issues, an example of which includes working with case managers on unbillable clients, resolving the reasons why, and researching alternatives. A remittance/status report is received monthly and this position will review and balance the report against the monthly billing. When there is a denial of payment, Ms. Schweda will investigate the reason for denial and the ability to rebill.

Once the remittance/status reports are balanced, Ms. Schweda will enter the payment information by department into a lotus or excel spreadsheet. Ms. Schweda will generate revenue reports by community support program vendor, which are used for budget development.

Approximately ninety percent of Ms. Schweda's day is spent analyzing caseworker billings, payments, and researching payment denials. She will also interpret regulations and guidelines established by federal and state agencies in the billing process of community support programs. Ms. Schweda performs work of a very detailed nature and

errors would result in a loss of funding for Human Services. This position will additionally back up outpatient billing and assist the switchboard and clients when required.

V. Comparison to other positions within the MHC 1901 Union:

The Clerk Typist II position is part of the Admissions/Billing/Collection Department located at the Mental Health Center. The Admissions/Billing/Collection Department is responsible for the billing and collections for numerous community support programs in Brown County.

Clerk Typist II performs responsible clerical and typist work, applying specialized knowledge in carrying out established department procedures. A Clerk Typist II will obtain information from the public and enter the information into the appropriate software program. This position will take in payments, issue receipts, and resubmit rejected claims. This position requires knowledge, skills, and abilities in general office procedures, bookkeeping, and data entry skills.

Account Clerk I: Currently the table of organization shows three Account Clerk I positions within the Admissions/Billing/Collection Department. The Account Clerk I perform responsible bookkeeping duties of a routine nature involving maintaining records and processing documents relating to financial transactions. This work is performed within specific guidelines. The Account Clerk I position will apply monies to accounts, make adjusting entries, and track the status of accounts.

An Account Clerk I is responsible for the entire billing process and Accounts Receivable for their assigned community support programs. The responsibilities are separated by treatment area. The areas include: outpatient, inpatient, and nursing home treatment. The Account Clerk I is responsible for all tasks associated with patient billing. The tasks include entry and posting of procedure codes to create patient charges, submitting third party billings, and account reconciliation. The Account Clerk will work with case managers on unbillable clients, researching and resolving billing issues. A remittance/status report is balanced monthly by the Account Clerks. They will additionally research payment denials and investigate the ability to rebill. The Account Clerks will enter payment information by department into spreadsheets and generate reports for budget development.

The knowledge, skills and abilities required in an Account Clerk I position are two years of experience in a medical billing environment, knowledge of medical coding, billing processes, and insurance regulations.

VI. Recommendation:

This position is performing duties beyond the Clerk Typist II position description and does require additional knowledge, skills and abilities beyond the classification. Being accountable for the entire billing process for several community programs and resolving

related billing issues requires the ability to work independently, make judgments and accept responsibility. Furthermore, the position requires additional knowledge in medical billing, coding and insurance regulations than a Clerk Typist II. Therefore it is recommended that Ms. Schweda's position be reclassified to an Account Clerk I.

Per the memorandum of understanding titled Job Analysis Procedure in the Local 1901 contract, the recommendation is to be retroactive to the original date of the written request which is November 30, 1998.

Current wage difference:	Clerk Typist II	\$12.80
	Account Clerk I	<u>\$13.68</u>
	Difference	\$.88

Estimated fiscal impact: \$1,830.40

Retroactive wages from November 30, 1998

	Account Clerk I	Clerk Typist II	Difference	Back Wages
Wage Rate 1998	\$12.12	\$11.33	\$.79	\$ 145.36
Wage Rate 1999	\$12.48	\$11.67	\$.81	\$ 1,663.93
Wage Rate 2000	\$12.85	\$12.02	\$.83	\$ 1,756.04
Wage Rate 2001	\$13.28	\$12.43	\$.85	\$ 1,750.89
Wage Rate 2002	\$13.68	\$12.80	\$.88	<u>\$ 594.41</u>
	TOTAL			<u>\$5,910.63</u>

A motion was made by Supervisor Fleck and seconded by Supervisor Antonneau to adopt. Vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive Date: 10/28/2002

No. 10g -- RESOLUTION REGARDING: REQUEST FOR STATE LEGISLATION THAT WOULD ADEQUATELY FUND COUNTY LAND CONSERVATION STAFFING FOR NEW MANDATORY STATE AGRICULTURE STANDARDS, CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP), AND OTHER STATE CONSERVATION PROGRAMS

WHEREAS, the State of Wisconsin has adopted new mandatory State Agriculture non point pollution standards which require additional staffing for County Land Conservation Departments; and

WHEREAS, the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection (DATCP) has applied for and received \$200 million Federal dollars and \$40 million State dollars for CREP payments to landowners without any staffing support dollars for County Land Conservation Departments to implement the CREP program; and

WHEREAS, in Wisconsin, cost share funds available to landowners include \$240 million from CREP, \$6.2 million from DATCP Land and Water Plan cost sharing (2003), \$10.5 million from DNR Rural Watershed cost share (2003), and numerous Federal conservation programs and other grant opportunities; and

WHEREAS, historically the State of Wisconsin (DATCP and DNR) has not provided adequate staffing support funding to County Land Conservation Departments to implement State conservation programs such as the Priority Watershed Program, CREP, DATCP programs, Targeted Runoff Management Program, or other Federal programs; and

WHEREAS, this inadequate staffing support funding from the State of Wisconsin has jeopardized Wisconsin's water quality, reduced the amount of dollars that could have been provided to landowners, and placed a financial burden on Counties; and

WHEREAS, the State 2003 Joint Allocation Plan (DATCP and DNR) to County Land Conservation Departments has unmet requests from Counties of 42.4 million for staffing support; and

WHEREAS, cost share dollars under spent in Wisconsin in 201 totaled \$477,500 for DATCP, and \$5.3 million in DNR.

NOW, THEREFORE, BE IT RESOLVED, by the Brown County Board of Supervisors that it hereby requests State Legislation be introduced that will transfer excess under spent State cost share dollars from DATCP and DNR programs into staffing support for County Land Conservation Departments in the amount of \$2.4 million in 2003 for a total of \$11.9 million that will be used for staffing support for Wisconsin County Land Conservation Departments for implementation of new mandatory State agriculture non point standards through Land and Water Plans, CREP, Farmland Preservation Program, Targeted Resource Management Program, and other Federal Conservation and State cost-share programs.

BE IT FURTHER RESOLVED, that \$11.9 million become the new State Joint Allocation base level funding (State Soil and Water Resource Management Grant Program and Non point source program) that provides staffing support to County Land Conservation Departments and that the State be required to provide full staffing support for any new programs or mandates required of County Land Conservation Departments.

Respectfully submitted,
LAND CONSERVATION COMMITTEE

A motion was made by Supervisor Vanden Plas and seconded by Supervisor Marquardt to adopt. Vote taken. Motion carried unanimously with no abstentions.

Approved by: /s/ Nancy J. Nusbaum, County Executive Date: 10/28/2002

No. 10h -- **ORDINANCE REGARDING: CHAPTER 21 SUBDIVISIONS. REVISION
TO THE BROWN COUNTY SUBDIVISION ORDINANCE REGARDING:
BROWN COUNTY SUBDIVISION AND PLATTING REGULATIONS**

THE BROWN COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

CHAPTER 21

SUBDIVISIONS

21.01 AUTHORITY. This ordinance (Chapter 21) is adopted under the authority granted by Sections 59.692(3), 281.31, and 236.45 of the Wisconsin Statutes and amendments thereto; and pursuant to this authority the County Board of Supervisors of the County of Brown do ordain as follows:

21.02 TITLE. This ordinance shall be known as, referred to, or cited as the Brown County Subdivision and Platting Regulations.

21.03 JURISDICTION. Jurisdiction of these regulations shall include all towns within Brown County. Jurisdiction shall also include any village or city within Brown County that has agreed to county subdivision review authority under Section 66.0301, Wisconsin Statutes. Where the governing body of a town or municipality within Brown County has enacted an ordinance regulating subdivisions, compliance must be made with the most restrictive requirements as provided in Section 236.13(4), Wisconsin Statutes.

21.04 APPLICABILITY. Within the jurisdiction stated above, these regulations shall apply to the following:

(1) Subdivision: Any land division which results in a subdivision as defined herein shall require a plat thereof be prepared and submitted for review, approval, and recording as required by this ordinance and Chapter 236, Wisconsin Statutes, as applicable.

(2) Certified Survey Map: Any land division which does not necessitate the preparing of a subdivision plat shall have a certified survey map prepared, approved, and recorded as required by this ordinance and Chapter 236, Wisconsin Statutes, provided:

(a) The land division creates at least one parcel located within the Brown County Sewer Service Area that is 40 acres or less in size (not including any land within public rights-of-way), or

(b) The land division creates at least one parcel not located within the Brown County Sewer Service Area that is 10 acres or less in size (not including any land within public rights-of-way).

(3) Replatting: When a replat of a recorded subdivision or part thereof is proposed, the subdivision plat shall be vacated or altered according to the provisions of Chapter 236, Wisconsin Statutes.

(4) Combining Parcels: The combining of two or more parcels of land into a single parcel shall comply with the requirements of Section 21.49 of this ordinance.

(5) Exceptions: The provisions of this chapter shall not apply to:

(a) Transfers of interest in land by will or pursuant to court order.

(b) Leases for a term not to exceed 10 years, mortgages, or easements.

(c) The sale or exchange of land between owners of adjoining property if additional lots and/or parcels are not thereby created and the lots and/or parcels resulting are not reduced below the minimum sizes required by this ordinance or other applicable laws or ordinances.

(d) Cemetery plats made under Section 157.07, Wisconsin Statutes.

(e) Assessors' plats made under Section 70.27, Wisconsin Statutes.

21.05 PURPOSES. These regulations are adopted for the following purposes:

(1) To protect and provide for the public health, safety, and general welfare of Brown County and its municipalities.

(2) To guide the future growth and development of Brown County in accordance with the adopted comprehensive plan and other county or local plans.

(3) To secure safety from fire, flood, and other dangers and to prevent overcrowding of the land and undue congestion of population.

(4) To facilitate the orderly and beneficial development of the county through well-planned land divisions consistent with workable design standards.

(5) To ensure adequate provision of efficient transportation, water, sewerage, stormwater drainage, schools, recreation and other facilities.

(6) To ensure that the design of the transportation system will not have a negative long-term effect of neighborhood quality, traffic and pedestrian movement and safety.

(7) To further the orderly layout of land through the establishment of reasonable standards of design and procedures for land divisions.

(8) To ensure accurate legal descriptions and proper monumenting of subdivided land.

(9) To prevent and control erosion, sedimentation, and other pollution of air, streams, and ponds; to ensure to the adequacy of drainage facilities; to safeguard potable water supplies; and to encourage the wise use and management of natural resources throughout the county.

(10) To preserve the natural beauty and topography of the county and to encourage appropriate development with regard to these natural features.

(11) To prevent destruction or impairment of environmentally sensitive areas.

21.06 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances, or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

21.07 INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to a minimum requirements and shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

21.08 SEVERABILITY AND NON-LIABILITY.

(1) If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

(2) The county does not guarantee, warrant, or represent that only those areas designated as floodplains will be subject to periodic inundation and that those soils listed as being unsuited for specific uses are the only unsuited soils within the county and thereby asserts that there is no liability on the part of the County Board of Supervisors, its agencies, or employees for sanitation problems or structural damages that may occur as a result of reliance upon and conformance with this ordinance.

21.09 COMPLIANCE. Any division or combining of parcels which is applicable under Section 21.04 shall not be entitled to recording unless such division is in compliance with all the requirements of this ordinance. All approved certified survey maps and plats shall be filed for recording with the Brown County Register of Deeds prior to transferring ownership of any parcels created by a land division.

21.10 ADMINISTRATION. The administration of the provisions of this ordinance shall be the responsibility of the Brown County Planning Commission Board of Directors and the Planning Commission staff as authorized representative.

21.20 DEFINITIONS. Terms used in this ordinance mean as follows:

Adjusted Tract Area: The resulting area of a tract of land to be divided after the area of environmentally sensitive areas and existing road rights-of-way are deducted.

Alley: A public or private right-of-way that provides secondary access to abutting properties.

Block: A parcel, lot, or group of lots existing within well-defined and fixed boundaries bounded on at least one side by a street, bounded on the other sides by streets, natural or man-made barriers, or unplatted land and having an assigned number, letter, or other name through which it may be identified.

Board: The Board of Directors of the Brown County Planning Commission. The administrating agency of this ordinance as appointed by the Brown County Board of Supervisors.

Brown County Sewer Service Area: Those areas within Brown County that are presently served or anticipated to be served by a sewage collection system, as identified within the approved Brown County Sewage Plan and subsequent amendments thereto.

Building: A structure having a roof supported by columns or walls for shelter, support, or enclosure of persons, animals, or property and having a more or less permanent location on the ground.

Building Setback Line: The distance from the boundaries of a lot or from some other feature within which building(s) shall not be erected.

Certified Survey Map: A map of not more than four parcels prepared in accordance with Chapter 236, Wisconsin Statutes, and the terms of this ordinance.

Channel: A natural or artificial watercourse of perceptible extent with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow, thus, is that water which is flowing within the limits of a defined channel.

Cluster Subdivision: A residential development that concentrates buildings or lots on a part or parts of the site to allow the remaining land to be used for open space, recreation, protection of environmental features, or other purposes, where the density regulations are applied to the project as a whole instead of to its individual lots.

Combining Parcels: The voluntary act of creating a single lot description and tax parcel out of two or more separately described parcels.

Commission: The Brown County Planning Commission.

Comprehensive Plan: For the county, a development plan that is prepared or amended under s.59.69(2) or (3), Wisconsin Statutes; or for a city, village, or town, a master plan that is adopted or amended under s.62.23(2) or (3), Wisconsin Statutes.

Conservation Easement: The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state precluding future or additional development.

Conservation Designed Subdivision: A subdivision or residential development that is characterized by compact lots that are surrounded by or interspersed with preserved common open space where the natural features of the land are preserved to the greatest extent possible.

Corner Lot: A lot located at the intersection of two or more streets.

County Plat: A map of a division of land prepared in the same manner as required in Chapter 236, Wisconsin Statutes, except that all reviews are completed at the local level, in accordance with the terms of this ordinance where:

(a) The act of division creates 5 or more lots, of which no more than 4 lots are 1.5 acres or less in area, or

(b) Five or more lots, of which no more than 4 lots of 1.5 acres or less in area are created by successive divisions within a period of 5 years.

Cul-de-sac: A short local street having one end open to vehicular traffic and the other end permanently terminated by a vehicular turnaround. Where a combination of two or more intersecting streets have only one outlet to the adjoining street network, it shall be considered a cul-de-sac for the purposes of this ordinance.

Days: Shall refer to calendar days, unless specifically indicated otherwise.

Dead-end Street: A street having only one outlet for vehicular traffic and no permanent vehicular turnaround.

Double Frontage Lots: A lot, other than a corner lot, which has frontage on two or more streets.

Drainage Easement: A strip of land reserved to accommodate the free flow of stormwater or to provide for storm sewers.

Easement: A grant by a property owner of the use of designated land by another for a specified purpose.

Existing Parcel: A parcel, lot, or tract of land in which the enclosing boundaries are separately described and are either of record in the Office of the Register of Deeds or defined by

an existing tax parcel. An existing parcel completely severed by a public right-of-way shall be construed to comprise two parcels.

Final Plat: The map or drawing of a subdivision prepared in compliance with the provisions of Chapter 236, Wisconsin Statutes, and the terms of this ordinance.

Flood: A temporary rise in stream flow or pond or lake water levels that result in water over topping its banks and inundating normally dry areas adjacent to the stream, pond or lake.

Flood Fringe: That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and generally associated with standing water rather than flowing water.

Floodplain: Land that has been or may be hereafter covered by floodwater, including, but not limited to, the regional flood.

Floodway: The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood waters or flood flows of any river or stream, including, but not limited to, flood flows associated with the regional flood.

Frontage: That part of a lot abutting on a street or other public right-of-way. Also, the length of the lot line that runs along a public right-of-way.

Gross Site Area: The total area within the boundaries of a tract to be subdivided, not including public rights-of-way already established.

Land Division: The act of creating one or more new and separately described parcels from an existing parcel(s) of land by the owner thereof or his agent.

Limited Access Expressway: A divided arterial street or highway for through traffic with full or partial control of access, either with or without grade-separated intersections.

Lot: A designated part of a subdivision or certified survey map having an assigned number through which it may be identified and meeting the requirements of this ordinance for a building site. For the purposes of this ordinance, a lot may also include the terms parcel, tract, or building site in determining the applicability of this ordinance to land divisions.

Lot Area: The area contained within the property lines of the individual parcels of land as shown on a plat or certified survey map, excluding any area within a street right-of-way but including the area of any easement.

Municipality: A town, village or city within Brown County.

Official Map: A legally adopted map of the city, village, town or county showing thereon existing and proposed streets, highways, parkways, parks, schools and other public facilities, as provided by Sections 62.23 (6), 80.64 or 234.46, Wisconsin Statutes.

Open Space: Land within a subdivision or development retained for use as recreation areas, agriculture, or for natural resource protection in an essentially undeveloped state.

Outlot: A parcel of land so designated on a plat or certified survey map and which is any of the following:

(a) A parcel of land left over at the time of platting and which is intended to be divided further in the future.

(b) A platted parcel which does not meet the requirements of a lot at the time of platting.

(c) A platted parcel which is intended for open space or other use and held in common ownership or which is transferred to a public agency or utility.

Parcel: A continuous area of land described in a single description in a deed or a lot or outlot on a plat or certified survey map, separately owned or capable of being separately conveyed.

Planning Commission Staff: Employees retained by the Brown County Planning Commission to administer this ordinance.

Plat: A map of a subdivision.

Preliminary Plat: A map showing the salient features of a proposed subdivision submitted to the Planning Commission for purposes of preliminary consideration.

Replat: The process of changing the map or plat which changes the boundaries of a recorded subdivision plat or part thereof.

Restrictive Covenant: Written stipulations on the face of a plat or certified survey map regarding restrictions on the use or development of land that are binding on the property owner and subsequent owners of the property.

Retracement Certified Survey Map: A certified survey map that retraces, identifies, and locates the boundaries of an existing parcel or parcels of land and which does not create additional parcels or alter existing boundaries.

Right-of-Way: A strip of land allowing or intending to allow the passage of people or goods and is dedicated to the public or under the control of the public.

Roadway: That portion of a street or highway improved, designed, or ordinarily used for vehicular travel.

Service Drive: A public street generally parallel and adjacent to a freeway, expressway or arterial street primarily designed to provide ingress and egress to abutting properties and control access to the freeway, expressway, or arterial street.

State Plat: A map of a division of land prepared in accordance with Chapter 236 of the Wisconsin Statutes and the terms of this ordinance where:

- (a) The act of division creates 5 or more parcels of 1.5 acres or less in area, or
- (b) Five or more parcels of 1.5 acres or less in area are created by successive divisions within a period of 5 years.

Street: A thoroughfare or way for vehicular traffic that provides vehicular access to abutting property.

Street, Arterial: A major high capacity street used or designed to carry large volumes of traffic and provide efficient vehicular movement between major activity areas of the community.

Street, Collector: A street designed to carry moderate amounts of traffic and which collects and distributes traffic between arterial streets and local streets, including the principal entrance and traffic movement streets within a residential development.

Street, Half: A street on the exterior boundary of a tract being subdivided with only a portion of the required right-of-way width.

Street, Local: A street designed primarily to provide vehicular access to abutting properties and which generally does not carry through traffic. Such streets are also called minor streets.

Structure: Anything constructed or erected on the ground, to include all types of buildings and attachments to buildings.

Subdivider: Any individual, firm, association, syndicate, partnership, corporation, guardian, attorney, trust, or any other legal entity commencing proceedings under the regulations of this chapter to effect a subdivision of land hereunder for the owner of record or for another with consent of the owner of record.

Subdivision: Any land division where:

- (a) The act of division creates 5 or more parcels or building sites of 10 acres each or less in area (40 areas each or less in area if located within the Brown County Sewer Service Area), or

(b) Five or more parcels or building sites of 10 acres each or less in area (40 acres each or less in area if located within the Brown County Sewer Service Area) are created by successive divisions within a period of 5 years. (See also County Plat and State Plat.)

Tax Parcel: An existing tract of land as defined by the governing jurisdictional body for the purpose of assessment and taxation.

Tax Parcel Number: An identification number assigned to real estate in Brown County for taxation purposes.

Tract: A lot or parcel or contiguous group of lots or parcels in single ownership or under single control, usually considered a unit for purposes of subdivision or development.

Utility Easement: An easement to place, replace, maintain, or move utility facilities, such as telephone or electric lines, water or sewer mains, gas pipelines, and cable television.

Variance: A departure from the terms of this ordinance as applied to a specific parcel of land which the Board of Directors may permit, pursuant to Section 21.81 of this ordinance.

Yield Plan: A conceptual layout of a subdivision that shows the number of lots that would be permitted using the conventional requirements for density, lot size, and so forth. The yield plan is commonly used to justify the number of lots within a proposed conservation designed subdivision or other planned unit development.

21.30 GENERAL PROVISIONS.

21.31 DEDICATION AND RESERVATION OF LAND.

(1) Whenever a tract to be divided includes a proposed street, highway, or parkway or proposed site for a park, playground, school, or other public use or facility as indicated on any adopted official map or comprehensive plan, such space shall be suitably incorporated by the subdivider into the subdivision plat or certified survey map after the proper determination of its necessity by the Planning Commission staff and/or the appropriate body or public agency involved in the acquisition and/or use of each site. For existing and planned streets within the tract to be divided, the subdivider shall dedicate the right-of-way width specified in s.21.61(1)(a), (2) and (11), as applicable.

(2) If areas for potential public access or acquisition are included within a plat or certified survey map, the Planning Commission staff shall refer the plat or certified survey map to the public body concerned with the acquisition for its consideration and report. The Planning Commission staff may propose alternate areas for such acquisition and shall allow the public body concerned 30 days for reply. The reply of the public body if affirmative shall include a map showing the boundaries and areas of the parcel to be acquired and an estimate of the time required to complete the acquisition.

(a) Upon receipt of an affirmative report, the Planning Commission staff shall notify the property owner and shall require that area proposed to be acquired by the public body to be designated on the plat or certified survey map.

(b) On all plats and certified survey maps in which land is designated for acquisition by a governmental unit or agency, a binding and enforceable agreement shall be executed between the owner of the property so designated and the appropriate governmental unit or agency within one year of written notification that the owner intends to develop the property. Such notice of intent shall include a sketch plan of the proposed development and a tentative schedule of construction. Failure to execute such a binding and enforceable agreement within the prescribed one year shall result in the loss of the “designated for acquisition” category of the property involved, and the owner shall then be free to develop said property. Nothing herein shall prevent property on a plat as being designated as dedicated, nor shall it prevent the exercise of eminent domain powers as authorized by law.

(c) Whenever a preliminary plat or certified survey map includes a proposed dedication of land to public use and the Planning Commission staff finds that such land is not required or not suitable for public use, the Commission may refuse to approve such dedication.

(d) When a final plat or certified survey map has received all required approvals and is recorded, that approval shall constitute acceptance for the purpose designated on the plat of all lands shown on the plat as dedicated to the public, including street rights-of-way.

21.32 LAND SUITABILITY.

(1) No land shall be divided or subdivided if the resulting lots are determined to be unsuitable for a developed use by the Planning Commission staff for reason of flooding or potential flooding, adverse soil or rock formations, severe erosion potential, unfavorable topography, inadequate drainage, inadequate water or sewage disposal capabilities, or any other condition likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community. A portion of a proposed lot may contain such conditions, provided the overall lot is not deemed unsuitable.

(2) Except as provided in sub. (4), the Planning Commission staff shall determine such unsuitability at the time the preliminary plat or CSM is considered for approval.

(3) The Planning Commission staff, in applying the provisions of this section, shall consider the various provisions of this ordinance and other county, state or local regulations. The Planning Commission staff shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence to the contrary and/or the means of overcoming such unsuitability, if subdivider so desires, at a meeting of the Board. Thereafter, the Board may affirm, modify, or withdraw the determination of unsuitability.

(4) The subdivider may, prior to submitting a subdivision plat or certified survey map for review, request a determination of land suitability. The subdivider shall provide all necessary maps, data, and information for such a determination to be made.

21.33 ENVIRONMENTALLY SENSITIVE AREAS.

(1) Environmentally sensitive areas shall consist of the following water-related features:

- (a) Wetlands.
- (b) Land within 50 feet of wetlands that are larger than 2 acres in size.
- (c) Floodways plus 50 feet (but not beyond the floodplain boundary) OR 75 feet beyond the ordinary high water mark, whichever is greater.
- (d) Land within 100 feet of navigable waters if there is no Wisconsin DNR-approved flood study.
- (e) Land within 25 feet of non-navigable waterways shown on the USGS topographic quadrangle maps (7.5-minute series).
- (f) Steep slopes of 12% or greater that are immediately adjacent to or extend into any of the features listed above.

(2) Environmentally sensitive areas shall be shown on all final plat maps and certified survey maps unless waived by Planning Commission staff. Except for amendments approved by the Planning Commission or Wisconsin Department of Natural Resources, restrictions shall be laced on all plats and certified survey maps regarding development and land-distributing activities within environmentally sensitive areas. Notes or disclaimers may be included on plats and certified survey maps indicating that the extent of the environmentally sensitive area is subject to change due to the granting of amendments, revisions to the definition of environmentally sensitive area, or provision of more detailed information, such as flood studies.

(3) When a proposed subdivision or certified survey map is located wholly or partly in an area where flooding or potential flooding may be a hazard, floodplain lines and, where calculated, floodway lines shall be shown on final plats and maps unless waived by the Planning Commission staff. Floodplain boundaries as determined by the subdivider shall be reviewed and approved by the Wisconsin Department of Natural Resources.

21.34 LAND DIVISIONS NOT SERVED BY PUBLIC SEWER

(1) Except as provided in sub. (2), for each proposed land division not served by public sewer, a soil test complying with COMM 83 and COMM 85, Wisconsin Administrative Code, shall be submitted for each proposed lot. No more than 4 lots that are created from the

same parent parcel shall be planned to be developed with holding tanks as the onsite waste disposal system.

(2) Land divisions for public utilities and certain public facilities involving structures not requiring onsite waste disposal systems (e.g., water towers, pumping stations, power relay stations) and other land divisions where conditions warrant, as determined by the Planning Commission staff, may be approved with the following required notation: “Restrictive Covenant. The construction of structure which rely upon onsite sewerage disposal systems for sanitary waste disposal shall be prohibited on this lot until all state, county, and municipal regulations have been met and a sanitary permit has been issued by the Brown County Zoning Administrator’s Office.”

(3) The Planning Commission staff may require that the locations and dimensions of sites for private onsite wastewater treatment systems be identified on final plats and certified survey maps for those lots with limited suitable area, as determined by the Brown County Zoning Office.

21.35 EROSION PREVENTION REQUIREMENTS.

(1) When a proposed subdivision or certified survey map is located in an area having the potential to cause soil erosion and sedimentation problems or when the construction or extension of roads or other public facilities is involved, the Planning Commission staff may require that the subdivider prepare a detailed erosion and sediment control plan. The plan shall detail all proposed grading activities, stockpile locations, vegetative cover, berms, sediment basins, and other storm drainage and erosion control measures to reduce erosion and sedimentation caused by surface water runoff. The plan shall also include a schedule and maintenance considerations.

(2) Erosion and sediment control plans shall be submitted to Planning Commission staff who shall transmit them where appropriate to the Brown County Land Conservation Committee for review and comment. Guidelines, standards, and specifications which should provide a framework for the development, review, and implementation of erosion control are contained in the “Wisconsin Construction Site Best Management and Practice Handbook”.

(3) Municipal Review. In lieu of review and approval by Brown County staff, the required erosion control plan may be reviewed by the local municipality using its own standards, provided:

- (a) The municipality has an adopted erosion control ordinance,
- (b) The municipality has staff (or contracted consultants) to create and approve erosion control plans, and
- (c) A copy of the approved plan is submitted to Brown County Planning Commission staff.

(4) Any required erosion control plan shall be reviewed and approved prior to or concurrent with the review of the final plat or certified survey map. Planning Commission staff may require that some or all of the erosion and sediment control measures, including those recommended by the Brown County Land Conservation Committee, become a restrictive covenant on the final plat or certified survey map.

(5) The staff may require side and/or rear building setback limits when a slope exceeding 20% or unstable soil types exists on the proposed land division.

(6) Any deviation from the above requirements shall follow the variance requirements of Section 21.81 of this ordinance.

21.36 FEES. To assist in defraying the cost of review, the subdivider shall pay the county all fees as established by the County Board at the time the proposed land division is submitted for review.

21.40 APPLICATION PROCEDURES AND APPROVAL PROCESS.

21.41 PRELIMINARY CONSULTATION/SKETCH PLAN.

(1) Prior to filing of an application for the approval of a preliminary plat, the subdivider, or agent, shall submit a sketch plan of the proposed subdivision and consult with the Planning Commission staff regarding the proposal. This consultation is intended to inform the subdivider and the planning staff may reach mutual conclusions regarding the proposed subdivision prior to the expenditure of significant engineering and surveying resources.

(2) Information. The subdivider, or agent, shall submit a concept plan showing the proposed general street and lot layout. In addition, information necessary to assess the proposed concept plan may be required if not otherwise available to planning staff. Such information may include:

- (a) Topographic contours at 2-foot intervals.
- (b) Hydrologic characteristics, including surface water bodies, floodways/floodplains, wetlands, and drainageways.
- (c) Existing buildings and structures, including driveway locations and parking areas.
- (d) General land cover, such as woodlands, pasture, and cultivated fields.
- (e) All encumbrances, such as easements or access restrictions.
- (f) General description of proposed methods for stormwater management and sewage treatment.

(3) Review of Sketch Plan. Following the filing of a complete sketch plan as determined by planning staff, the Planning Commission staff shall consult with the subdivider, or agent, to review the concept plan. The consultation may include a visit to the site to review the existing features of the site. Within 20 days following the submittal of a complete sketch plan, the planning staff shall provide written comments informing the subdivider of any additions, changes, or corrections to the concept plan. The comments provided by planning staff shall not be binding upon the subdivider except for items related to the requirements of this ordinance or other applicable laws.

21.42 PRELIMINARY PLAT REVIEW AND APPROVAL.

(1) The subdivider shall submit the necessary copies of the preliminary plat. Planning staff shall provide copies to the different agencies and plat reviewers for their review and recommendations concerning matters within their jurisdiction. The Planning Commission staff shall review the plat for conformance with this ordinance and all other county ordinances, rules, regulations, and adopted county comprehensive plans or other plans that affect the plat.

(2) Within 40 days of the plat's submittal, planning staff shall approve, approve conditionally, or reject such plat and shall state, in writing, the conditions of such approval or reasons for rejection. Failure of the Planning Commission staff to act within 40 days, or longer if extended by agreement with the subdivider, shall constitute an approval of the preliminary plat. If the survey or subdivider wishes to contest the Planning Commission staff's decision, the subdivider shall notify the Planning Commission not less than two weeks preceding the Board of Directors' meeting. The subdivider shall submit in writing the reasons for objecting to the Planning Commission staff's decision. The Board of Directors shall then make the final determination based upon the evidence submitted to it.

(3) Amendment. If the subdivider wishes to amend the preliminary plat as approved, the subdivider may resubmit the amended plat. The amended plat shall be reviewed following the same procedures, except that an additional fee is not required unless the changes to the plat, in the opinion of planning staff, are of such magnitude as to constitute a new plat.

21.43 PRELIMINARY PLAT REQUIREMENTS. The preliminary plat shall be prepared by a registered land surveyor at a convenient and legible scale and shall show correctly on one or more sheets the following information:

(1) Title under which the proposed subdivision is to be recorded. The proposed subdivision names shall not duplicate the name of any plat previously recorded in Brown County. A subtitle of "County Plat" shall be required for all county plats.

(2) Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Planning Commission staff may waive this requirement where it is unnecessary to fulfill the purposes and intent of this ordinance and where undue hardship would result from strict application thereof.

- (3) Signature and seal of the surveyor.
- (4) Date, scale and north point.
- (5) The name and address of the owner, authorized agent, and surveyor preparing the plat.
- (6) Location of the subdivision by private claim or by government lot, quarter, quarter section, section, township, range and county.
- (7) A small scale drawing of the section or region in which the subdivision lies with the location of the subdivision indicated thereon.
- (8) Boundary lines and platting status of adjoining properties.
- (9) Existing site conditions, including:
 - (a) Locations, widths, and names of existing or dedicated streets, alleys or other public ways.
 - (b) Location and width of existing public and private easements, railroads, and utility rights-of-way.
 - (c) Permanent buildings and major structures.
 - (d) Parks, cemeteries, watercourses, drainage ditches, and other pertinent data as determined by the Planning Commission staff.
 - (e) Planning Commission staff may request information to be shown beyond the plat boundary if needed for staff's review of the preliminary plat.
- (10) Topographic information in the form of 2-foot contours, except the 5-foot contours may be used for areas of steep slopes greater than 20%.
- (11) Layout and width of all streets and rights-of-way.
- (12) Dimensions of and area of lots, rights-of-way, and the encompassing area of the map listed as square footage.
- (13) Locations and type of proposed public easements (e.g., drainage, pedestrian and utility).
- (14) Approximate radii of all curves.
- (15) Location and approximate dimensions of any site to be reserved or dedicated for parks, playgrounds, or other public use or to be reserved by deed or covenants for use of all property owners in the subdivision with the conditions, if any, of such dedication or reservation.

- (16) Approximate location of environmentally sensitive areas.

21.44 PROCEDURES FOR REVIEW AND APPROVAL OF THE FINAL PLAT.

(1) Submittal. Necessary copies of the final plat shall be submitted to the Planning Commission within two years of the approval of the preliminary plat. Failure to submit the final plat within the two-year period may require resubmittal as a preliminary plat. Copies of the final plat shall also be submitted to the appropriate local municipality and state agencies in the case of state plats. The final plat may include just that portion of the approved preliminary plat that the subdivider proposes to record at that time.

(2) Review. The Planning Commission staff shall examine the final plat and all necessary certificates as to its conformance with the approved preliminary plat, including any conditions of approval of the preliminary plat and all applicable county ordinances, rules, regulations and adopted county comprehensive plans or adopted plan components that may affect the plat.

- (3) Approval.

(a) If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to local plans and ordinances adopted as authorized by law, it is entitled to approval provided the final plat is submitted within two years of the preliminary plat approval.

(b) The Planning Commission staff shall take action on the final plat within 40 days after the plat has been officially submitted unless the time is extended by agreement with the subdivider. If rejected or conditionally approved, the reasons for rejection or conditions of approval shall be stated in writing and forwarded to the surveyor and the subdivider. County approval of the final plat shall not be inscribed on the face of the plat until the plat has been certified as non-objectionable by all state agencies in the case of a state plat or county departments in the case of a county plat having authority to object. County departments having the authority to object to a county plat are the Zoning, Surveying, and Highway Departments.

(4) Recordation. After the final plat has been approved and inscribed, it shall be recorded by the subdivider in the office of the Register of Deeds of Brown County, Wisconsin, in accordance with s. 236.25, Wisconsin Statutes. Necessary copies of the recorded plat shall be submitted to the Brown County Planning Commission for distribution to the appropriate agencies and plat reviewers.

21.45 FINAL PLAT REQUIREMENTS. A final plat prepared by a Wisconsin registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of s.236.20 of the Wisconsin Statutes and this ordinance. The final plat shall show correctly on its face, in addition to the information required by s. 236.20 of the Wisconsin Statutes or elsewhere in this ordinance, the following:

- (1) Exact location and description of utility and drainage easements.
- (2) Railroad rights-of-way within and abutting the plat.
- (3) Floodway and floodplain boundaries where applicable.
- (4) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
- (5) Special restrictions or notes required by the Board and any other approving or objecting agency, such as relating to floodplains, airport noise cones, or access control along public ways.
- (6) All certificates required by s.236.21 of the Wisconsin Statutes.
- (7) Locations and dimensions of all preplanned private onsite waste water treatment systems, when required.

21.46 PROCEDURE FOR CERTIFIED SURVEY MAP REVIEW AND APPROVAL.

(1) Submittal. The subdivider shall submit the necessary copies of the certified survey map to the Brown County Planning Commission. Copies of the map will then be circulated to the appropriate agencies or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Brown County Planning Commission within 20 days from the date the map is transmitted by the Brown County Planning Commission.

(2) Review. The Planning Commission staff shall review the certified survey map for conformance with Chapter 236 of the Wisconsin Statutes, this ordinance and other county ordinances, regulations, and adopted county comprehensive plans or other plans which affect the certified survey map.

(3) Approval. Within 40 days of its submittal, the Planning Commission staff shall approve, conditionally approve, or reject the certified survey map. In the event of rejection or conditional approval, the land divider may appeal the decision of the planning staff to the Board. The divider or divider's agent shall be notified in writing of any conditions of approval or the reasons for rejection.

(4) Effect of Approval. Approvals of certified survey maps by the Brown County Planning Commission under the procedure in this section shall be valid for one year from the date of the written approval notification. Approved certified survey maps shall be brought for signature of the Brown County Planning Commission within the one-year period following written notice. Brown County's approval of any proposed certified survey map, which has not

been signed by the Brown County Planning Commission, shall lapse after the one-year time-period and may require resubmittal under this section.

(5) Amendment. If the land divider wishes to amend the certified survey map as originally approved, the map may be resubmitted. The amended certified survey map shall be reviewed following the same procedures, except that an additional fee is not required unless the changes to the map, in the opinion of planning staff, are of such magnitude as to constitute a new land division.

(6) Recordation. After all the required certificates have been signed, the certified survey map shall be recorded with the Register of Deeds of Brown County. The Register of Deeds shall not accept a certified survey map for recording unless it is offered for record within 6 months after the date of the last approval of the map and within 24 months after the first approval of the map. It shall include the signed certificates of the surveyor, the property owner, the Brown County Planning Commission, the municipality in which the map is located, and the municipality with extraterritorial plat approval jurisdiction, where applicable. The appropriate number of copies of the final recorded map shall be forwarded to the Brown County Planning Commission for distribution to the appropriate review agencies and municipalities. The recording data, including the CSM number, volume and page number, and recording date shall be noted on the final approved map.

21.47 CERTIFIED SURVEY MAP REQUIREMENTS.

(1) Certified survey maps shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes.

(2) Required Information. The certified survey map shall be prepared at a convenient scale and shall show correctly on its face, in addition to the information required by Chapter 236.34 of the Wisconsin Statutes, the following where applicable:

(a) Date, scale, and north arrow referenced to the Brown County Coordinate System (unless waived by the Brown County Surveyor).

(b) Location, width, and names of abutting streets and state highways.

(c) Roads and public spaces within the certified survey map shall follow the labeling requirements of s.236.20(4)(a), (b), and (c) of the Wisconsin Statutes.

(d) Boundary lines and platting status of adjoining properties.

(e) All waterways shown on the USGS topographic maps, wetlands, and other existing features pertinent to proper division of land.

(f) Floodplain and floodway boundaries, when required under s.21.33 of this ordinance.

(g) Necessary utility easements and drainage easements.

- (h) All visible existing buildings and utility structures.
- (i) Locations and dimensions of all preplanned private onsite wastewater treatment systems, when required.
- (j) Topographic information in the form of 2-foot contours, or 5-foot contours for areas of slopes greater than 20%, may be required by planning staff. This information need not be shown on the final map.
- (k) Special restrictions or notes requires by the Planning Commission and any other approving or objecting agency, such as relating to floodplains, airport zoning districts, building setbacks, or access control along public ways.
- (l) All necessary certificates, including owner's certificate.

21.48 RETRACEMENT CERTIFIED SURVEY MAPS. A certified survey map may be used to identify and locate existing parcels of record. The retracement certified survey map must meet the following requirements:

- (1) The map shall be prepared in accordance with s.236.34, Wisconsin Statutes, and shall comply with the surveying and mapping requirements of this ordinance.
- (2) The map shall be headed "CERTIFIED SURVEY MAP" and subheaded "RETRACEMENT OF LANDS DESCRIBED IN [*list recorded documents*]."
- (3) The surveyor's certificate shall include the statement that "this certified survey map is not a division of property but solely a retracement and depiction of the land boundaries recorded in [*list recorded documents from Brown County Records*]."
- (4) The map shall not create additional lots that are not of record.
- (5) The requirements of Section 21.50 of this ordinance shall apply to all retracement certified survey maps.
- (6) Review and Approval.
 - (a) Submittal. The subdivider shall submit the necessary copies of the retracement certified survey map to the Brown County Planning Commission. A copy of the map will be forwarded to the Brown County Surveyor's Office for review and comments concerning matters within its jurisdiction. The Brown County Surveyor's Office shall have objecting authority in the certified survey map approval process.
 - (b) The Planning Commission staff and Brown County Surveyor's Office shall review the certified survey map for conformance with Chapter 236 of the Wisconsin Statutes, this ordinance, and other pertinent regulations affecting the certified survey map. Within 30 days of its submittal, the Planning Commission staff shall approve, conditionally

approve, or reject the certified survey map. The divider shall be notified in writing of any conditions of approval or the reasons for rejection. In the event of rejection or conditional approval, the land divider may appeal the decision of the planning staff to the Board of Directors.

(7) The retracement certified survey map shall be filed for recording with the Register of Deeds of Brown County within 30 days of the date of the certified survey map's approval and shall include the signed certificates of the surveyor, property owner, and the Brown County Planning Commission. The recording data, including the CSM number, volume and page number, shall be noted on the final approved map, and the appropriate number of copies shall be forwarded to the Brown County Planning Commission for distribution to the appropriate review agencies and municipalities.

(8) This section is created to provide for the use of a certified survey map to show the boundaries of an existing parcel and establish a convenient legal description of record for title, conveyance, etc. Retracement certified survey maps are not required by this ordinance and shall not be required by any Brown County department for the conveyance of ownership, establishment of a legal description, etc. Approval of a retracement certified survey map by Brown County does not warrant that the lot within the map conforms to county or local zoning requirements.

21.49 COMBINING PARCELS. A certified survey map shall be required for the combining of two or more existing tax parcels or existing parcels of record into a single lot unless such combining is required by the local assessor or Brown County Property Listing and is necessary for valuation purposes under s. 70.23(2), Wisconsin Statutes. Certified survey maps used to combine existing tax parcels or existing parcels of record must meet the following requirements:

(1) The map shall be prepared in accordance with s. 236.34, Wisconsin Statutes, and shall comply with the surveying requirements of Section 21.50 of this ordinance.

(2) The map shall be headed "CERTIFIED SURVEY MAP" and subheaded "COMBINING OF PARCELS DESCRIBED IN [*list recorded documents*]."

(3) The surveyor's certificate shall include the statement that "this certified survey map is not a division of property but a combining of and depiction of the parcels recorded in [*list recorded documents from Brown County Records*] into a single parcel and description."

(4) The parcels being combined must meet the following standards:

- (a) They shall be contiguous.
- (b) They shall be under identical ownership.
- (c) They shall be within the same municipality and taxing jurisdictions.

(5) The approval procedure for such certified survey maps shall be in accordance with Section 21.48(6) of this ordinance. The Brown County Surveyor's Office shall have objecting authority in the certified survey map approval process.

(6) The certified survey map shall be filed for recording with the Register of Deeds of Brown County within 30 days of the date of the certified survey map's approval and shall include the signed certificates of the surveyor, property owner, and the Brown County Planning Commission. The recording data, including the CSM number, volume and page number, shall be noted on the final approved map, and the appropriate number of copies shall be forwarded to the Brown County Planning Commission for distribution to the appropriate review agencies and municipalities. Local municipalities shall be notified by Brown County of all parcel combinations recorded under this section for the purpose of transferring any unpaid taxes or special assessments to the new lot created by the combined parcels.

(7) Parcels which have been combined under this section shall not be subsequently reestablished or separately conveyed unless a new certified survey map or plat is submitted and approved in accordance with this ordinance.

21.50 SURVEYING REQUIREMENTS. All subdivision plats and certified survey maps shall comply with the provisions of s.236.15 of the Wisconsin Statutes and the following:

(1) Tie Requirements.

(a) The plat or certified survey map shall be tied to two adjacent corners, as monumented by the Brown County Surveyor, of the Federal Land Survey System corners. If such plat or certified survey map falls within the Williams Grant or other Federal Survey Lots, it shall be tied to two monumented corners within or along the Grant or Lot. If such plat or certified survey map falls within the Private Claims of Green Bay, it shall be tied to one monumented corner of the Private Claim and one other monumented point along the Private Claim line. In all cases, it shall include the bearing and distance between these points. Plats or certified survey maps within the Private Claims that are only tied to one end of a Private Claim line and are more than 2,640 feet from the end of the Private Claim shall also include an additional tie to an existing Brown County traverse station that is within 2,640 feet of the plat or certified survey map.

(b) Plats and certified survey maps shall be described as provided in s.236.21 or 236.34, Wisconsin Statutes. When the description requires lead-in lines from the point of commencement to the point of beginning, the first course and distance from the point of commencement shall be along a government survey line or other previously recorded line. Subsequent courses and distances required to tie the point of beginning to the point of commencement should follow lines of previous plats, certified survey maps, conveyances, existing roadways, or other defined locations when possible and practical. It is intended by this requirement to create a logical relation ship of the lands being surveyed and the lines previously described or located when these lines are needed or utilized as part of the survey.

(2) All of the exterior boundary corners, angle points, and block corners shall be monumented on the ground with at least a 1' iron pipe not less than 18" long, if not required otherwise by Wisconsin statutes. All monuments set on the interior of a plat or certified survey map shall meet at least the minimum state requirements for length. In addition, all lot corners shall be monumented with 1" iron pipes not less than 18" long, when not required otherwise. For certified survey maps, all 1" iron pipes set shall include an identification cap that identifies at least the registration number or company name of the surveyor who set such monument.

(3) All monuments set shall be within 0.30 feet of the platted location, and no lineal measurement between the monuments set shall be in error more than 1 part in 3,000.

(4) All mapped boundaries shall close to a tolerance of 1 part in 20,000, and no closures shall be greater than 0.03 feet.

(5) All bearings expressed on the plat or certified survey map shall be represented in the Wisconsin County Coordinate System for Brown County, unless waived by the county surveyor. The mathematical parameters of this system are available from the Wisconsin State Cartographer. If a plat or certified survey map falls "entirely within" a previously recorded subdivision plat or certified survey map, the bearing may be referenced thereto only when the bearings agree with all of the previously mapped information.

(6) When the boundaries of a plat or certified survey map are based on a section protraction that does not agree with the section protraction by the county surveyor to a tolerance of 0.30 feet in a quarter section, a new section protraction shall be prepared. The surveyor shall submit a new section protraction with the preliminary plat or certified survey map that shows the full section protraction as developed by the surveyor. If the section protraction into quarters is not based on the intersection of quarter lines according to s.59.73(2), Wisconsin Statutes, it shall be explicitly noted on the protraction. Such protraction may be filed as a separate page of the certified survey map or mapped on the subdivision plat. If such protraction is filed as a separate record, it shall be prepared on the County Section Protraction form.

21.60 DESIGN STANDARDS. All plats and certified survey maps shall comply with the design requirements of Sections 21.61 through 21.66.

21.61 STREETS AND HIGHWAYS.

(1) Arrangement of Streets.

(a) The arrangement, character, extent, width and location of all streets shall conform to official maps or plans officially adopted by the applicable municipalities and shall be related to existing and planned streets, topographic conditions, existing natural features, public convenience and safety, and proposed uses of land to be served by such streets.

(b) Arterial streets shall be properly integrated with the existing and proposed system of major streets, highways, and thoroughfares.

(c) Collector streets shall be properly related to special traffic generation facilities, such as schools, churches, and shopping centers, to population densities, and to the arterial streets into which they feed.

(d) Local streets shall be laid out to conform as much as possible to existing topography, to discourage use by through traffic, to permit efficient drainage systems, and to provide convenient, safe access to property.

(2) State and County Trunk Highways. The right-of-way width and building setback requirements of all state highways shall be determined by the Commission upon the recommendation of the State Department of Transportation. The right-of-way width for all county trunk highways shall be as specified on any official map or plan adopted under s.236.45 or s.80.64, Wisconsin Statutes. If no such map or plan exists or if no width is specified on such map or plan, the required right-of-way width shall be 80 feet. Building setback and vision corner requirements shall be established as required in Chapter 6 (Highways) of the Brown County Code. Reduced setbacks or vision corners may be approved by the Planning Commission staff for Planned Unit Developments, areas of existing development, and similar circumstances, upon the recommendation of the Brown County Highway Commission.

(3) When a subdivision abuts or contains an existing or proposed arterial street, the Commission may require service drives, reverse frontage lots with screen planting contained in a non-access reservation along the rear of the property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through traffic and local traffic.

(4) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall be determined with regard for the requirements of approach grades and future grade separations.

(5) At intersections, street jogs shall be avoided. There shall be at least 125 feet between the centerlines of streets at adjacent intersections.

(6) Property lines at street intersections may be rounded with a radius of 12 feet or greater. Cutoffs or chords may be permitted in place of rounded corners. Where a street intersects a county trunk highway, rounded property lines with a radius not greater than 20 feet may be required.

(7) Dead-end streets shall only be permitted if authorized by the Planning Commission staff or when the continuation of said street appears on the municipality's official street map.

(8) Arc distances identifying lot frontage on curved rights-of-way shall be provided for municipal assessment purposes.

(9) Streets shall be laid out so as to intersect as nearly as possible at right angles. No streets shall intersect any other street at less than 75 degrees, and more than two streets intersecting at one point shall be prohibited, unless authorized by the Planning Commission staff for intersections designed for roundabouts.

(10) Reserve strips or median strips controlling access to streets shall be prohibited except where approved by the Commission.

(11) The minimum right-of-way width of all streets and alleys shall be as specified by the official map, master street plan, or area development plan, if any. If no width is specified, the right-of-way shall be equal to or greater than the width specified below:

(a) Arterial streets – 100 feet.

(b) Collector streets – 60 feet for streets constructed with curb and gutter or 70 feet without curb and gutter. Confirmation that a street will be constructed with curb and gutter must be obtained from the local municipality.

(c) Local streets – 50 feet for streets constructed with curb and gutter or 70 feet without curb and gutter. Confirmation that a street will be constructed with curb and gutter must be obtained from the local municipality.

(d) Service drives – 50 feet in addition to the major traffic street it adjoins.

(e) Alleys – 16 feet.

(12) Minimum sight distance shall comply with county and state design standards.

(13) The minimum radii or curvature on the centerline shall be as specified below.

<u>Street Type</u>	<u>Minimum Radius in Feet</u>
Arterial	300
Collector	200
Local w/o curb and gutter	100
Local w/curb and gutter	65

(14) Cul-de-sacs. Cul-de-sacs shall not exceed 1,000 feet in length and shall contain a turnaround with a minimum right-of-way radius of 55 feet. Length shall be measured along the centerline from the center of the turnaround to the edge of the right-of-way of the intersecting street. Cul-de-sacs that are longer than 1,000 feet may be accepted by planning staff, provided such cul-de-sacs are identified on the Official Map or Area Development Plan adopted by the municipality and are based upon environmental, topographic, or access constraints.

(15) Half Streets (streets with less than full right-of-way width).

(a) Where a half street has previously been dedicated adjacent to the subdivision, the remaining half of the street shall be dedicated by the subdivider.

(b) Where no half street adjacent to the subdivision exists, the dedication of the half streets will not be approved unless the remaining portion appears as a mapped street on the official map.

(16) Connections and Access. Street connections to adjacent parcels shall be provided in logical locations to avoid creating landlocked parcels and to provide for connecting street patterns. Except for approved cul-de-sacs, such street connections shall be provided either via platted streets or planned future streets shown on the Official Map or adopted Area Development Plan.

(17) Area Development Plans. In order to determine how proposed streets relate to surrounding properties and the existing street network, the Planning Commission staff may require that the subdivider prepare and submit Area Development Plans or street plans showing street locations beyond the boundary of the proposed subdivision. The street plans shall include an area determined by the Planning Commission staff and in conformance with the local municipality's official street map.

(18) Street Names.

(a) Any street that is the reasonable continuation of an existing street bear the same name. If the topography or other feature of a permanent nature is such as to render the continuation of the actual roadway impossible and where such nomenclature is apt to produce confusion, the street shall not carry the same name as the street to which it may be geometrically aligned.

(b) The Planning Commission staff may reject the name of any street that has already been used elsewhere in the county or which because of similarity may cause confusion.

(c) The following table shall be considered in nomenclature:

<u>Type</u>	<u>Dead-end</u>	<u>Curving</u>	<u>Straight</u>
Short Streets	Place or Court	Crescent, Way, Terrace, Circle, or Lane	Row or Lane
Long Streets		Drive or Road	Street or Avenue

(d) The term boulevard shall be reserved for streets that are designed with medians separating lanes of traffic.

21.62 BLOCKS.

(1) The lengths, widths, and shapes of blocks shall be appropriate for the locality and the type of development contemplated, but blocks lengths in residential areas shall not exceed 1,500 feet between right-of-way lines.

(2) Planning Commission staff may require pedestrian easements or rights-of-way not less than 15 feet wide at the end of cul-de-sacs, through the center of blocks more than 900 feet long, and where deemed essential to provide circulation or access to schools, parks, playgrounds, shopping centers, transportation, and other community facilities.

21.63 LOTS.

(1) The lot size, width, depth, shape and orientation shall be sufficient to provide reasonable developable area that is not restricted by easements, building setbacks, zoning requirements, environmentally sensitive areas, or other constraints.

(2) The minimum lot area required under this ordinance or local zoning ordinances shall not include land that is dedicated or reserved for public right-of-way.

(3) Lots shall follow, rather than cross, municipal boundary lines.

(4) Lot dimensions shall conform to the requirements of the local zoning ordinance, as well as the Brown County Shoreland Zoning Ordinance (where applicable) and appropriate state requirements; however,

(a) Residential lots served by public sewer shall not be less than 70 feet wide measured at the right-of-way line or measured at the building setback line only if said lot is located on the outer radius of a curved street or a cul-de-sac turnaround. However, in no case shall the lot width measured at the right-of-way line be less than 50 feet. Residential lots served by public sewers shall not be less than 7,500 square feet in area.

(b) Residential lots not served by public sewerage disposal facilities shall comply with the rules and regulations of the Department of Commerce of the Wisconsin Administrative Code where applicable, the Brown County Sanitary Ordinances, and other state and local requirements. Such lots shall be not less than 40,000 square feet in area and not less than 100 feet in width measured at the right-of-way or measured at the building setback line if the proposed lot is located on the outer radius of a curved street or a cul-de-sac turnaround. Since the shape of individual lots may render portions unusable for installing private onsite wastewater treatment systems or providing adequate separating distances between them and watercourses or water wells, any part of a lot that is less than 30 feet wide or separated by a water body will not be used in computing the minimum lot area.

(c) Residential lots located within zero side-yard setbacks or “zero lot line” zoning areas will be allowed. These zero lot line lots shall conform to all the requirements of the local zoning ordinance. Zero lot line lot dimensions shall be allowed only in those municipalities that have adopted such a zero lot line ordinance and in those lots which have access to municipal sewer.

(5) Lot Drainage. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the stormwater management

plan for the area. Drainage shall be designated so as to avoid concentration of storm drainage water from each lot to adjacent lots. The following shall be placed on the face of all subdivision plats: "RESTRICTIVE COVENANT: The land on all side and rear lot lines of all lots shall be graded by the lot owner and maintained by the abutting property owners to provide for adequate drainage of surface water."

(6) Every lot shall abut on a public street. In addition to abutting on a public street, every lot shall have access to the public street network either through direct access to an abutting street or through a recorded alternative access, such as an easement or shared driveway easement.

(7) Side lot lines shall be substantially at right angles or radial to street right-of-way lines.

(8) Double frontage or reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

(9) When lots within the proposed land division abut the right-of-way of an existing or proposed limited access highway or street, the access restriction shall be noted on the plat or certified survey map, either graphically on the map or within a written access restriction. Planning Commission staff may also require an access restriction for portions of street frontage without safe access. Brown County Highway Department's minimum sight distance standards may be used by Planning Commission staff to determine safe access.

(10) For all lots that abut county trunk highways, the building setback required by Chapter 6.06 of the Brown County Code shall be indicated on the plat or map, either graphically on the map or contained within a written statement on the map. Building setbacks from other roads may be indicated on the plat or map, if desired by the subdivider or if required by the municipality or other review agency.

21.64 EASEMENTS.

(1) The Planning Commission staff may require easements for electric power and communications facilities, storm and sanitary sewers, tree planting, drainage and flood water, gas, water, cable television lines, or other utility lines. Such easements shall be placed so as not to interfere unreasonably with the use and enjoyment of the property for residential or other purposes.

(2) Utility easements and drainage easements shall be separately located, unless specifically approved by the Planning Commission staff.

(3) Whenever any easement is created for specific public improvements or otherwise conveys an interest to a specific individual, entity, or public body, the recipient or beneficiary of such easement shall be clearly noted on the plat or map. For drainage easements, in the absence of a stated beneficiary, the easement shall be a restriction on the affected property and not a conveyance of interest.

(4) Information regarding the rights and responsibilities of the easement holder, terminating or relocating the easement and other information regarding the easement may be included on the plat or certified survey map.

21.65 PUBLIC SITES AND OPEN SPACES. In the design of the plat, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, and other public purposes. If specifically designed on or by the comprehensive plan or official map, if any, such areas shall be made a part of the plat as stipulated in Section 21.31 of this ordinance. If not so designated, consideration shall be given in the location of these such sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes, ponds, watercourses, watersheds and ravines.

21.66 STORMWATER DRAINAGE.

(1) Purpose. The intent of this section is to protect property and structures from damage caused by increased surface water runoff volumes and/or velocities due to platting and development of land and to prevent degradation of existing waterways and surface and ground water quality.

(2) Stormwater Management Plan. Except as otherwise required under sub. (7), for all land divisions containing 5 or more parcels and other land divisions as determined by staff, the subdivider shall submit a stormwater management plan. The plan must be approved by Planning Commission staff prior to final approval and recording of the land division and shall include the following information:

(a) General site plan of the development, including site boundaries, lot and road locations, existing buildings, and vegetative cover.

(b) A narrative describing the proposed development, including implementation schedule for the planned practices.

(c) Soil types, infiltration characteristics and corresponding hydrologic group(s).

(d) Watershed boundaries and the direction of surface water flow indicated by arrows.

(e) The location of existing and proposed bridges, culverts, catch basins, waterways, drainage ditches and swales, storm sewers, detention and retention basins, etc., and indicate the size, dimensions, elevations, and grades of each.

(f) Existing ground contours at 2-foot intervals and proposed contours, if required.

(g) Necessary drainage easements for all drainage ways and stormwater management facilities.

(h) Erosion control practices, unless a separate erosion control plan for the development is also submitted.

(i) Technical data, including calculations of pre-construction and post-construction peak flow rates, assumed runoff curve numbers, and time of concentration used in calculations.

(j) Identification of the entity responsible for the long-term maintenance of the planned facilities.

(k) Other information as required by Planning Commission staff to administer this section.

(3) Surface Water Runoff. All stormwater management facilities shall be designed, installed, and maintained to effectively accomplish the following:

(a) Maintain or reduce predevelopment peak runoff volumes and velocities for the 2-year, 24-hour storm event for Brown County.

(b) Maintain or reduce predevelopment peak runoff volumes and velocities for the 25-year, 24-hour storm event for Brown County.

(c) Safely pass the 100-year, 24-hour storm event.

(d) Provide an 80% reduction of sediment loadings which result from the 1-year, 24-hour storm event with no sediment resuspension.

(4) Offsite Facilities. If increased surface water runoff from the site is proposed to be managed through offsite facilities (such as a regional detention pond), then increased flows from the development may be accepted if approved by the municipality.

(5) Easements. Stormwater drainage easements shall be provided where required by the Planning Commission staff to accommodate present and future stormwater runoff.

(6) Design. The design of stormwater management facilities shall be based upon local requirements, if present. If local requirements are not present, the following concepts shall be followed. In designing storm drainage facilities, special consideration shall be given to the prevention of soil erosion, siltation of surface waters, and excess runoff onto adjacent properties. Infiltration, grassed swales, and other open drainage channels are generally preferred over storm sewers. The use of multiple treatment facilities, such as vegetative buffers leading to grass swales leading to wetlands leading to detention ponds, is preferred for water quality benefits. The design of stormwater management facilities shall be consistent with the standards as set forth in the USDA-NRCS-Wisconsin Technical Guide or other technical standards approved by the Brown County Land Conservation Department. Design for smaller storm events (up to the 2-year storm event) shall be necessary for water quality concerns, while larger storm events shall be considered primarily for water quantity concerns. All runoff calculations shall be

according to the methodology described in the Natural Resources Conservation Service's Technical Release 55, "Urban Hydrology for Small Watersheds" (TR-55).

(7) **Municipal Review.** In lieu of review and approval by Planning Commission staff, the required stormwater management plan may be reviewed by the local municipality using its own standards, provided:

- (a) The municipality has an adopted stormwater management ordinance,
- (b) The municipality has staff (or contracted consultants) to create and approve stormwater management plans, and
- (c) A copy of the approved plan is submitted to Brown County.

21.70 PLANNED UNIT DEVELOPMENTS.

(1) The requirements and standards of this ordinance may be waived by the Commission for planned developments providing such proposed developments shall be planned as a unit, shall be appropriate to the site's characteristics and location, shall be of sufficient size to permit the unified development of the area, and shall not conflict with other laws or requirements or with the purpose or intent of this ordinance.

(2) It is the intent of this section to permit, in addition to other types of planned development, conservation designed subdivisions, cluster subdivisions, and planned unit developments with owner-occupied row housing or with privately-owned common property comprising a major element of the development. Conservation designed subdivisions may be approved by the Planning Commission staff, subject to the requirements set forth in this ordinance. All other Planned Unit Developments must be approved by the Board.

(3) The future ownership, maintenance, and use of open space, recreation areas, and other amenities shall be ensured in a manner acceptable to the Commission.

21.71 CONSERVATION DESIGNED SUBDIVISIONS. Conservation subdivisions which meet the following criteria, may be reviewed and approved by Planning Commission staff as planned unit developments. Other proposed developments containing open space or which vary the normal requirements of this ordinance may be reviewed and approved by the Board of Directors under Section 21.70, Planned Unit Developments.

(1) **Design Standards.** Conservation subdivisions to be reviewed and approved by planning staff shall comply with the design standards of s.21.60, except as otherwise stated in this section.

- (a) **Minimum Lot Size.**

- 1. Lots served by public sanitary sewer – 6,300 square feet.

2. Lots served by private septic systems located within the lot – 30,000 square feet.
3. Lots served by private septic systems located offsite – 20,000 square feet.

(b) Minimum Lot Width. Lots served by public sanitary sewer shall be at least 70 feet wide at the building line with at least 30 feet of frontage along a public street. Lots served by private septic systems shall be at least 80 feet wide at the building line with at least 30 feet of frontage along a public street.

(c) Flag Lots. Not more than 10% of the lots within a conservation subdivision under this section shall be flag lots. The flag pole portion of such lots shall be at least 30 feet wide.

(d) At least 35% of the lots shall abut open space on at least one side or shall be located directly across the street from open space.

(e) Access. Lots shall generally be accessed through interior streets rather than from collector or arterial streets bordering the subdivision.

(f) Cul-de-sacs. Within conservation subdivisions, cul-de-sac may extend to 1,500 feet in length provided a pedestrian right-of-way or easement is provided to connect the cul-de-sac to other streets.

(g) Right-of-way width. Planning Commission staff may authorize lesser right-of-way width for one-way loop streets around small neighborhood greens. Right-of-way width for two-way streets without curb and gutter may be reduced to 60 feet for the following:

1. Local (minor) interior residential streets that do not exceed 1,000 feet in length.
2. Cul-de-sacs.

(2) Open Space Standards. Conservation subdivisions to be reviewed and approved by planning staff shall meet the following standards:

(a) Minimum Open Space. Permanent open space shall be designated on the plat and shall be at least 30% of the gross site area and at least 20% of the adjusted tract area.

(b) Location. The required open space should be situated to take advantage of the site's natural, historic, and cultural features, to create buffer areas between residential and agricultural uses, and to preserve scenic views. Environmentally sensitive areas should generally be included within the preserved open space. Whenever possible, open space shall be located to connect with existing or potential open space land on adjoining parcels.

(c) The size and shape of areas established as open space shall be sufficient and suitable for agriculture, natural resource protection, recreation, or other intended use. Except for open space used for trails or natural resource protection, larger blocks of contiguous land are preferred over smaller scattered open space or narrow linear strips.

(d) The required open space may be used for private or community wastewater treatment systems, subject to the requirements of the Brown County Zoning Office.

(e) Not more than 50% of the required open space shall consist of active recreation areas or permanent ponds and other water bodies.

(f) Planning staff may require easement or walkways to access open space that does not abut public right-of-way.

(g) There shall be adequate guarantees for retention of required open space in perpetuity through the use of a conservation easement, restrictive covenants, or other means acceptable to the Commission or through dedication of the open space to the public.

(h) Ownership. The required open space shall be in undivided ownership (held in common). Such lands may be owned and maintained by one or a combination of the following:

1. A homeowners association.
2. A condominium association established in accordance with Chapter 703 of the Wisconsin Statutes.
3. A land trust or other non-profit conservation organization.
4. An individual, such as the original owner, who will use the land for open space purposes as provided by a conservation easement.
5. The county, local municipality, or other governmental entity, if agreed to by the governmental entity accepting the dedication.

(3) Review and Approval. Conservation designed subdivisions shall follow the review process, submittal requirements, fees, and procedures for subdivision plats as contained in Sections 21.41 to 21.45 of this ordinance, except as follows:

(a) Density Analysis. If the proposed subdivision contains residential lots that contain less area than required under Section 21.63(4), a density analysis shall be submitted with the preliminary plat.

1. The analysis shall show the number of lots that would be permitted if the layout were consistent with the normal minimum lot size, lot width, and other density provisions of this ordinance. Land that is undevelopable because of environmental constraints or

other laws and ordinances shall be excluded from the density analysis. The density analysis may take the form of a yield plan.

2. The number of lots within the proposed subdivision shall not exceed the maximum number of lots identified within the density analysis, except if the local municipality has an ordinance for conservation subdivisions that allows greater density than identified in the density analysis.

(b) Open Space. Conservation easements, deed restrictions, or restrictive covenants as required by staff for the establishment of the permanent open space shall be submitted with the final plat and shall be filed for recording with the plat.

(c) Ownership. The legal instruments detailing the ownership of the open space shall be submitted with the final plat and shall be filed for recording with the plat.

21.81 VARIANCES.

(1) Where the Board finds that “extraordinary hardship” or practical difficulties” may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations. The Board shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

(a) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other properties.

(b) The conditions upon which the request is based are unique to the property for which the variance is sought and are not applicable generally to other property.

(c) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.

(d) The variance will not in any manner vary the provisions of the other county ordinances and is not contrary to the comprehensive plan.

(2) Conditions. In approving variances, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards of requirements of these regulations.

(3) Procedure. A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat or certified survey map is filed for consideration of the Board. All petitions shall include a review fee established by the County

Board to defray the cost of processing such petitions. The petitions shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

(4) For all approved variances, a notation shall be placed on the certified survey map or plat stating the nature of the variance granted and the date of approval by the Brown County Planning Commission Board of Directors.

21.82 APPEALS. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal there from, as provided in Chapter 236, Wisconsin Statutes, within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable, or discriminatory.

21.83 AMENDMENTS. For the purpose of promoting the public health, safety, and general welfare, the County Board may, from time to time, amend the regulations imposed by this ordinance. The County Board shall hold public hearings on all proposed amendments. Notice of such public hearings shall be given by publication of a Class 2 notice in a newspaper of general circulation within the local unit once a week for two weeks preceding the hearing or as otherwise provided by statute.

21.84 VIOLATIONS, PENALTIES, AND REMEDIES.

(1) Any violation of any provision of this ordinance by any person, firm, association, corporation or agent, employee, or officer shall be unlawful. A violator shall, upon a finding that a violation exists, forfeit to the county not less than \$25 or more than \$500, together with the taxable cost in such action. Each day during which each such violation exists shall constitute a separate offense.

(2) Every violation of this ordinance is a public nuisance, and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the county, the state, or any citizen whose interests are adversely affected. Any such violator may be required to forfeit not more than \$500 for each such offense. Each day during which such violation exists shall constitute a separate offense.

(3) When a subdivision is created in violation of this ordinance or any other applicable law whether state or local, any municipality, town, county or state agency with subdivision review authority may order an assessor's plat to be made under Section 70.27, Wisconsin Statutes, at the expense of the subdivider or subdivider's agent.

Respectfully submitted,
PLANNING, DEVELOPMENT AND
AND TRANSPORTATION COMMITTEE

**Brown County Planning Commission Staff Report to the
Brown County Board of Supervisors
October 16, 2002
Explanation of Major Changes to the Proposed Update to the Brown County
Subdivision Ordinance – Chapter 21**

In May 2001, the Brown County Planning Commission initiated the process of updating the Brown County Subdivision Ordinance. A 10-person review committee, the Brown County Subdivision Ordinance Update Ad Hoc Review Committee (the “Committee”), was established to guide the effort. The Committee was comprised of County and local officials, area surveyors, developers and realtors, and was facilitated by Brown County Planning Commission staff. From August 1, 2001, through May 13, 2002, the Committee met on a monthly basis to develop and craft the final draft of the update to the Brown County Subdivision Ordinance. The Brown County Planning Commission Board of Directors and the Planning, Development and Transportation Committee of the County Board unanimously approved the updated ordinance, as recommended by the Brown County Plan Commission, on June 5, 2002, and October 3, 2002, respectively. A copy of the updated Brown County Subdivision Ordinance is attached for your review.

As the effort to update the Subdivision Ordinance was lengthy and the changes made were numerous, the Brown County Plan Commission has prepared a listing of the most significant and substantive changes to the Brown County Subdivision Ordinance. In addition to these changes, many other parts of the draft ordinance were revised to enhance clarity, simplify language, correct statutory references, make the ordinance flow better, etc. Any questions or comments regarding the updated ordinance should be directed to Chuck Lamine, Planning Director, or April Mielke, Senior Land Use Planner, at (920) 448-3400.

21.04 Applicability

- Increased the size of land divisions to be reviewed and approved for land within the sewer service area (SSA) from 10 acres to 40 acres; the threshold for areas outside the SSA remains at 10 acres.
- Requires a CSM to combine parcels, with a review procedure similar to that for Retracement CSMs.

21.33 Environmentally Sensitive Areas (ESAs)

- Added section to explicitly insert the ESA regulations and apply them to **all** new land divisions countywide (sewered and non-sewered areas).
- The actual ESA definition is intended to be consistent with the requirements of the Brown County Sewage Plan and currently meets its intention. However, as the Sewage Plan is currently being revised and may include changes to the ESA features and buffer distances, the Subdivision Ordinance may need to be amended in the future to reflect these potential changes.

21.34 Land Divisions Not Served By Public Sewer

- This new section includes all the various provisions relating to private sewer treatment systems from the current Subdivision Ordinance.

- Eliminated the subsection about state compliance due to new COMM 83, Wis. Admin. Code.

21.35 Erosion Prevention Requirements

- Explicitly identifies that erosion control plans can be requested by staff for land divisions involving new roads and clarifies the elements of the erosion control plan.
- Allows for town or village review of erosion control plans in lieu of County staff review.
- Added timeframe for erosion control plan review (prior to or concurrent with final plat).
- Changed reference of “severe slope” to 20% slope.

21.36 Fees

- Identifies fees are required as established by the County Board rather than listing the various fees separately for each type of review. This allows for fees to be adjusted by County Board Resolution rather than amending the Subdivision Ordinance.

21.41 Preliminary Consultation/Sketch Plan

- Preliminary consultations/sketch plans are required, rather than optional, for plats (still only recommended for CSMs). The review period is established at 20 days. Staff believes considering the planning issues early in the platting process will prove beneficial to both the developer and the County.

21.42 Preliminary Plat Review and Approval

- Established a 40-day review period rather than two weeks. This review time is more realistic, is currently practiced by staff, matches the review period for CSMs, and is less than the 90-day review period allowed by Wisconsin Statutes.
- Changed the notification time to get on a Board of Directors’ meeting agenda to two weeks to match current practice.
- Added language specifying how resubmitted/revised plats will be handled, which reflects current practice of this situation.

21.43 Preliminary Plat Requirements

- Removed from the requirements: soil borings, setback lines, and existing tax parcel numbers.
- Added to the requirements: locations of ESAs, existing buildings/structures, and existing and proposed easements to be shown.
- Requires boundary lines and site conditions to extend 100 feet beyond the plat boundary to better show how the proposed land division relates to the surrounding area.

21.44 Procedures for Review and Approval of the Final Plat

- Extended submittal requirement from “within 6 months” to “within 2 years” of preliminary plat approval to match the recently revised Wisconsin Statutes.
- Added: if the final plat conforms to the approved preliminary plat, it is entitled to approval.
- Shortened the review period to 40 days (from 45 days) so all the review periods are consistent. State statute allows up to 60 days for final plat review.

21.45 Final Plat Requirements

- Eliminated erosion control measures as these are typically included in a separate erosion control plan.
- Added that the required certificates be provided, as per state statutes.

21.46 Procedure for CSM Review and Approval

- Added language specifying how resubmitted/revised CSMs will be handled, which reflects current practice of this situation.
- Lengthened timeframe for recording CSMs to be consistent with the recently revised state statutes.

21.47 Certified Survey Map Requirements

- Specifically identifies required information rather than just referencing the various subsections and paragraphs of the state statutes.
- Removed from the requirements: noise cones, setback lines, and locations of facilities within easements (easements themselves must still be shown).

21.48 Retracement Certified Survey Maps

- Revised the review and approval process so as to not undergo the same process as regular CSMs, including review agencies limited to Planning Commission and Surveyors Office, review period of 30 days, and local and/or extraterritorial approval not required.
- Added statement acknowledging approval of a retracement CSM does not validate the lot for development but merely certifies that an existing established parcel of land is properly described and mapped.
- Note: retracement CSMs are still not required by Brown County

21.49 Combining Parcels

- This new section requires a CSM for combining two or more lots into a single lot and follows the review and approval procedures for retracement CSMs.

21.50 Surveying Requirements

- Added standards for mapping and monumentation accuracy.
- Allows 18" long iron pipes for monumenting. For CSMs, identification caps are required for monuments.
- Added requirement that the Brown County Coordinate System must be used for bearings.
- Added requirements for lead-in lines.
- Revised language about protraction.

21.61 Streets and Highways

- Eliminated 100' minimum right-of-way width requirement for State Trunk Highways.
- Eliminated 35' minimum setback from State Trunk Highways (due to TRANS 233).
- Added County Trunk Highway right-of-way widths to be based upon official map or plan and 80' to be used if no width is specified. Also, added an allowance for reduced setbacks and vision corners.
- Increased the minimum angle for intersecting streets from 60 degrees to 75 degrees.
- Prohibit more than two streets intersecting at one point (previously discouraged) with an exemption for roundabout intersections.
- Reduced minimum right-of-way width to 60' w/curb and gutter and 70' w/o curb and gutter for collector streets.
- Reduced minimum right-of-way width of local streets w/curb and gutter to 50'.
- Added minimum radii/curvature for local streets w/curb and gutter at 65'.
- Reduced minimum radius for cul-de-sac turnarounds to 55'.
- Added allowance for cul-de-sacs to exceed 1,000' in certain circumstances.

- Added language on “Connections and Access” to ensure logical and efficient street patterns and connections and to avoid landlocked parcels.
- Removed standards for building setbacks from rights-of-way. This was done to remove clutter from maps, recognize that most setback requirements are contingent on zoning districts which are subject to change, and setback requirements can hinder some types of developments, such as traditional neighborhood developments. Please note that setbacks for state and county roads can still be required, and local communities may still require them.

21.62 Blocks

- Added language allowing that staff may require pedestrian easements at the end of cul-de-sacs.

21.63 Lots

- Removed the minimum building setback line reference and replaced with statement that lots shall have sufficient developable area.
- Reduced the minimum residential lot width to 70 feet.
- Require building setbacks to be indicated on the plat or CSM for lots abutting county highways.

21.64 Easements

- Added provisions to make easements more clear (i.e., recipient, rights/responsibilities).

21.66 Stormwater Drainage

- Replaced vague and inadequate language with new provisions which give clearer direction for engineers and developers to follow and consistence for staff in enforcing, such as when plans are required, runoff requirements, and water quality provisions.

21.70 Planned Unit Developments

- Added conservation designed subdivisions to PUD list and specified staff rather than Board of Directors may approve.
- Added language requiring assurance of future ownership, maintenance, and use of open space areas.

21.71 Conservation Designed Subdivisions

- This new section was added to allow staff review and approval of this type of subdivision rather than by the Board of Directors.
- Provides clear design standards for staff to use in granting developers the flexibility afforded by this type of development.
- The open space standards specify a minimum of 20% of “buildable land” and 30% overall shall remain in permanent open space.
- Follows review and approval process of normal plats, except allows a density analysis to be required.
- Requires legal instruments detailing ownership of open space to be submitted and recorded with the final plat.

A motion was made by Supervisor Schmitt and seconded by Supervisor Daul to adopt. Vote taken. Motion carried unanimously with no abstentions.

Approved by: _____ \s\ Nancy J. Nusbaum, County Executive

Date: 10/28/2002

Approved by: _____ \s\ Darlene K. Marcelle, County Clerk

Date: 10/29/2002

Approved by: _____ \s\ Kenneth J. Simons, Board Chairman

Date: 11/01/2002

No. 10i -- **RESOLUTION REGARDING: CONCURRENCE WITH THE DISTRICT
COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDs)
2002 ANNUAL REPORT**

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, Brown County has participated with the other seven counties in the District Overall Economic Development Program since 1978; and

WHEREAS, an annual report must be prepared to maintain a current perspective of the economic development issues of the County and District; and

WHEREAS, an annual report maintains eligibility of funding from the Economic Development Administration for the district and also serves to emphasize the importance of local issues for other Federal and State agencies; and

WHEREAS, personnel from this County and the Bay-Lake Regional Planning Commission have participated in the preparation of the annual report; and

WHEREAS, an increased level of understanding and cooperation between agencies would improve opportunities for economic development in the District; and

WHEREAS, the Brown County Board of Supervisors actively supports and currently participates in the economic development district activities of the Bay-Lake Regional Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the Brown County Board of Supervisors hereby concurs with the Comprehensive Economic Development Strategy 2002 Annual Report; and

BE IT FURTHER RESOLVED, that the Brown County Board of Supervisors supports the Bay-Lake Regional Planning Commission's application to the Economic Development Administration for planning funds; and

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to the County Clerks of Door, Florence, Marinette, Kewaunee, Manitowoc, Oconto and Sheboygan as an expression of Brown County's desire to cooperate with them in the Bay-Lake Economic Development District; and

BE IT FURTHER RESOLVED that two originally signed copies of this resolution be forwarded to the Bay-Lake Regional Planning Commission.

Respectfully submitted,
PLANNING, DEVELOPMENT AND
TRANSPORTATION COMMITTEE

A motion was made by Supervisor Antonneau and seconded by Supervisor Graves to adopt. Vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive Date: 10/28/2002

**No. 10j -- RESOLUTION REGARDING: AUTHORIZING COUNTY TRUNK
HIGHWAY JURISDICTIONAL REVISIONS TO CTH "V"/FINGER
ROAD, CITY OF GREEN BAY**

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, Section 83.025 of the Wisconsin Statutes authorizes the County Board to make changes in the County Trunk Highway System if it deems that the public good is best served by doing so, and revisions to the Highway System can be made only with the consent of the Wisconsin Department of Transportation and approval of the governing body of the city, village or town in which the proposed change is located; and

WHEREAS, to encourage new business development in the I-43 Business Park, accommodate existing and future traffic from business and residential growth, and for reasons of public safety, the City of Green Bay entered into a cooperative agreement with Brown County to equally cost-share the construction of a new 4-lane divided East Mason Street, from 350 feet east of Challenger Drive to Erie Road; and

WHEREAS, construction of the new 1.26-mile East Mason Street extension will be completed in the Fall of 2002; and

WHEREAS, it is in the public's interest that CTH "V" be removed from the 2-land rural Finger Road, from Ontario Road to Erie Road, and transferred onto the new 4-land divided East Mason Street extension; and

WHEREAS, it is in the public's interest that the City of Green Bay and Brown County exchange street maintenance jurisdiction in regards to the right-of-way's as contained in this resolution, and for the purposes of State Road Aid, the jurisdictional revisions be transferred, effective December 31, 2002.

NOW, THEREFORE, BE IT RESOLVED that the following street be removed from the County Trunk Highway System, and transferred to the City of Green Bay, effective December 31, 2002:

1. CTH "V"/Finger Road, from Ontario Road to Erie Road – 1.00 mile

BE IT FURTHER RESOLVED, that the following City of Green Bay street be transferred to Brown County, effective December 31, 2002:

1. Erie Road, from Finger Road to East Mason Street – 0.15 miles

BE IT FURTHER RESOLVED, that the new East Mason Street, constructed by the City of Green Bay, be transferred to Brown County, effective December 31, 2002:

1. East Mason Street, from Huron Road to Erie Road – 0.50 miles

BE IT FURTHER RESOLVED, that this resolution shall take effect on December 31, 2002, upon receipt of appropriate notification from the City of Green Bay evidencing their concurrence with this resolution.

Respectfully submitted,
PLANNING, DEVELOPMENT AND
TRANSPORTATION COMMITTEE

A motion was made by Supervisor Schmitt and seconded by Supervisor Nicholson to adopt. Vote taken. Motion carried unanimously with no abstentions.

Approved by: _____ \s\ Nancy J. Nusbaum, County Executive _____ Date: 10/28/2002

No. 10k -- ORDINANCE REGARDING: DEALING WITH REVISION OF SPEED ZONE ON COUNTY TRUNK HIGHWAY “XX” (HOFFMAN ROAD) TOWN OF BELLEVUE, BROWN COUNTY, STATE OF WISCONSIN

THE BROWN COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1: A traffic and engineering investigation having been made on the following described highway, the maximum permissible speed at which vehicles may be operated on said highway, which speed herewith established as reasonable and safe pursuant to Section 349.11, Wisconsin Statutes, shall be as set forth within, and upon the erection of standard signs giving notices thereof.

Section 2: Section 340.0003, Schedule A of the Brown County Code is hereby amended as follows:

County Trunk Highway “XX”, Town of Bellevue:

Remove: Forty-five miles per hour from the East River Bridge, easterly and northerly to its intersection with CTH “O”/Allouez Avenue.

Add: Thirty-five miles per hour on Hoffman Road, from the East River Bridge easterly to its intersection with Bellevue Street.

Forty-five miles per hour on Bellevue Street, from its intersection with Hoffman Road to its intersection with CTH "O"/Allouez Avenue.

Section 3: This ordinance shall take effect upon passage and publication. Adopted this 16th day of October 2002.

Respectfully submitted,
PLANNING, DEVELOPMENT AND
TRANSPORTATION COMMITTEE

A motion was made by Supervisor Haefs and seconded by Supervisor Miller to adopt. Vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive Date: 10/28/2002

Approved by: \s\ Darlene K. Marcelle, County Clerk Date: 10/29/2002

Approved by: \s\ Kenneth J. Simons, Board Chairman Date: 11/01/2002

No. 101 -- RESOLUTION REGARDING: ESTABLISHING AN EXTENDED LEARNING COORDINATOR POSITION IN THE TABLE OF ORGANIZATION OF UNIVERSITY EXTENSION

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, UW-Extension has obtained a grant in the amount of \$32,232 for 2002 from Green Bay Area Public Schools 21st Century Learning Center Grant Program and would like to use these funds to establish an Extended Learning Coordinator Program as part of the Table of Organization of UW-Extension, a copy of the Coordinator position description being attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that it hereby establishes the part time position of Extended Learning Coordinator in the University Extension Table of Organization to be funded in whole by the grant from the Green Bay Area Public Schools 21st Century Learning Center, and that this position will be automatically eliminated from the Table of Organization when the grant funds are no longer available, and the grant funds are hereby authorized to be placed in the appropriate UW-Extension accounts.

Respectfully submitted,
PLANNING, DEVELOPMENT AND
TRANSPORTATION COMMITTEE

EXECUTIVE COMMITTEE

BROWN COUNTY POSITION DESCRIPTION

POSITION DESCRIPTION: Extended Learning Coordinator
DEPARTMENT: UW-Extension
DATE: September 2002

JOB SUMMARY:

Provide leadership for the 21st Century Learning Center Grant Extended Learning Program, to foster collaborative efforts with organizations interested in delivering educational programs to families living in Green Bay's near downtown neighborhoods.

ESSENTIAL DUTIES:

- Seek organizations interested in delivering educational programs to families.
- Obtain and maintain positive relationships with instructors.
- Develop schedule for tracking programs.
- Develop and distribute promotional materials.
- Recruit participants.
- Develop and budget a system for managing budgets.
- Prepare and submit reports.
- Develop and maintain positive relationships with partnering organizations.
- Utilize evaluation tools.

NON-ESSENTIAL DUTIES:

Performs related functions as assigned.

MATERIALS AND EQUIPMENT:

General Office Equipment
Computer

MINIMUM QUALIFICATIONS REQUIRED:

Education and Experience:

Education beyond a high school diploma preferred (education, recreation, child development) and/or experience in designing and delivering educational programs for families.

Licenses and Certifications:

Valid Wisconsin Driver's License

Knowledge, Skills and Abilities:

Ability to work effectively with youth and families representing diverse ethnic/racial populations.

Knowledge of program development, promotion, implementation, and evaluation.

Skills in managing financial resources.

Ability to build relationships with schools, youth serving organizations, and social service organizations.

Ability to communicate effectively both orally and in writing.

Ability to maintain records and prepare comprehensive reports.

High level of organizational skills.

Ability to work well as a team member.

Ability to make individual arrangements for transportation adequate to meet position responsibilities and essential job functions.

PHYSICAL DEMANDS:

Ability to lift 25 pounds maximum with frequent lifting and/or carrying of objects weighing up to 20 pounds.

Intermittent standing, walking and sitting; occasionally driving.

Using hand(s)/feet for repetitive single grasping, fine manipulation, pushing and pulling, and operating controls.

Occasional bending, twisting, squatting, climbing, reaching and grappling.

Communicating orally in a clear manner.

Distinguishing sounds at various frequencies and volumes.

Distinguishing people or objects at varied distances under a variety of light conditions.

Withstanding temperature changes in the work environment.

ADMINISTRATIVE ACCOUNTABILITY:

The Extended Learning Coordinator will be accountable to the Brown County UW-Extension 4-H Youth Development Educator on a day-to-day basis and will be accountable to the Brown County UW-Extension Director for administrative issues.

This position description should not be interpreted as all-inclusive. It is intended to identify the major responsibilities and requirements of this job. The employee may be requested to perform job-related responsibilities and tasks other than those stated in this description.

A motion was made by Supervisor Zima and seconded by Supervisor Evans to adopt. Vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive

Date: 10/28/2002

No. 10m -- RESOLUTION REGARDING: AUTHORIZING SHERIFF'S WARRANT FEES

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, the Sheriff is permitted to collect process fees for the service of "Commitment Orders for Non-Payment of Fine/Forfeiture", Arrest Warrants and Bench Warrants, pursuant to s.814.70(1); and

WHEREAS, the County Board may establish a higher fee for collection by the Sheriff, per s.814.705(1); and

WHEREAS, the average fully-loaded expense to the County for receipt and service of these orders is ~~\$32.20~~ \$35.00 * and there is no current fee for service of these orders; and

WHEREAS, the associated costs for the service of these Commitment Orders and Warrants are currently borne by the taxpayers of Brown County.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that the Sheriff establishes a fee for the service of each Commitment Order, Arrest Warrant and Bench Warrant for Non-Payment of Fine/Forfeiture at ~~\$32.20~~ \$35.00 *

BE IT FURTHER RESOLVED, that this fee shall become effective October 31, 2002.

* Amount changed from \$32.20 to \$35.00 as per the County Board on October 16, 2002.

Respectfully submitted,
PUBLIC SAFETY COMMITTEE

A motion was made by Supervisor Vanden Plas and seconded by Supervisor Kuehn to adopt. A motion was made by Supervisor Kaye and seconded by Supervisor Watermolen to amend the 3rd "Where as" paragraph by changing the amount from "\$32.20" to "\$35.00". Voice vote taken to adopt the resolution as amended. Motion carried unanimously with no abstentions.

Approved by: /s/ Nancy J. Nusbaum, County Executive Date: 10/28/2002

No. 11 -- Such other matters as authorized by law.

Late Communication – From Supervisor Vander Leest to encourage the Literacy Council to work with NWTC to develop a plan to reduce the waiting list for English Classes and tutors. Moreover, to encourage local businesses to contribute to the Literacy Council to further increase English skills in Brown County.

A motion was made by Supervisor Vander Leest and seconded by Supervisor Zima to suspend the rules to accept the late communication. Voice vote taken. Motion carried unanimously with no abstentions. Chairman Simons referred the late communication to Administration Committee.

No. 12 -- Bills over \$10,000 for period ending October 1, 2002.

A motion was made by Supervisor Collins and seconded by Supervisor Schmitt to pay the bills. Vote taken. Motion carried unanimously with no abstentions.

No. 13 -- Closing Roll Call.

Present: Antonneau, Nicholson, Miller, Hansen, Zima, Vander Leest, Vanden Plas, Collins, Daul, Fleck, Moynihan, Schadewald, Lund, Graves, Schmitt, Haefs,

Kaye, Evans, Johnson, Kuehn, Marquardt, Van Deurzen, Clancy, Watermolen,
Simons, Fewell

Total Present: 26

**No. 14 -- ADJOURNMENT TO TUESDAY, NOVEMBER 12, 2002 AT 9:00 A.M.,
LEGISLATIVE ROOM #203, CITY HALL, 100 NORTH JEFFERSON
STREET, GREEN BAY, WISCONSIN**

A motion was made by Supervisor Collins and seconded by Supervisor Johnson to adjourn to the
above date and time. Vote taken. Motion carried unanimously with no abstentions.

\s\ Darlene K. Marcelle
Brown County Clerk